



ORDINARY MEETING OF COUNCIL

AGENDA

25 JUNE 2024

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CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 25 JUNE 2024 AT 5.00PM
CHAMBERS, CATHEDRAL AVENUE

A G E N D A

DISCLAIMER:

The Presiding Member advises that the purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25(e)) and Council's Meeting Procedures Local Laws establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The City of Greater Geraldton expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

1 DECLARATION OF OPENING

2 ACKNOWLEDGEMENT OF COUNTRY

I would like to respectfully acknowledge the Yamatji people who are the Traditional Owners and First People of the land on which we meet/stand. I would like to pay my respects to the Elders past, present and future for they hold the memories, the traditions, the culture and hopes of Yamatji people.

3 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Present:

Officers:

Others:

Members of Public:

Members of Press:

Apologies:

Leave of Absence:

Cr S Cooper

4 DISCLOSURE OF INTERESTS

Cr N Colliver declared an impartiality interest in Item No. DS039 Commercial Lease (Retail) Jaffle Shack, as her daughter-in-law is a casual employee at the Jaffle Shack Foreshore.

Cr A Horsman declared a proximity interest in Item No. DS041 Commercial (Retail) Lease – Quiet Life Speciality Coffee, as he resides opposite the venue, on a carriageway.

R McKim declared a direct financial interest in Item No. CS138 Annual CEO Performance Review 2023-24, as it is a review of his performance as CEO, therefore concerns his employment at the City of Greater Geraldton.

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

There are no questions from previous meetings.

6 PUBLIC QUESTION TIME

Questions provided in writing prior to the meeting or at the meeting will receive a formal response. Please note that you cannot make statements in Public Question Time and such statements will not be recorded in the Minutes.

Our Local Laws and the Local Government Act require questions to be put to the presiding member and answered by the Council. No questions can be put to individual Councillors.

7 APPLICATIONS FOR LEAVE OF ABSENCE**Existing Approved Leave**

Councillor	From	To (inclusive)	Date Approved
Cr S Cooper	25 June 2024	25 June 2024	28/5/2024
Cr S Keemink	2 July 2024	12 July 2024	28/5/2024
Cr K Parker	8 July 2024	17 July 2024	28/5/2024
Cr J Critch	12 July 2024	26 July 2024	28/5/2024
Cr J Critch	5 September 2024	16 September 2024	28/5/2024

**Note: If Elected Members' application for leave of absence is for the meeting that the request is submitted, they will be noted as an apology until Council consider the request. The granting of the leave, or refusal to grant the leave and reasons for that refusal, will be recorded in the minutes of the meeting.*

If an Elected Member on Approved Leave subsequently attends the meeting, this will be noted in the Minutes at 'Record of Attendance'.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 2.25 of the Local Government Act 1995 RESOLVES to:

1. APPROVE Leave of Absence for:
 - a. Cr N Colliver for the period 31 July to 7 August 2024;
 - b. Cr M Librizzi for the period 5 August to 7 August 2024; and
 - c. Cr M Librizzi for the period 1 October to 18 October 2024.

8 PETITIONS, DEPUTATIONS

There is none.

9 CONFIRMATION OF MINUTES

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 28 May 2024, as previously circulated, be adopted as a true and correct record of proceedings.

10 ANNOUNCEMENTS BY THE CHAIR AND PRESENTATIONS*Events attended by the Mayor or designated representative*

DATE	FUNCTION	REPRESENTATIVE
29 May 2024	Triple M Interview - Outcomes of Council Meeting 2024	Mayor Jerry Clune
29 May 2024	Mid West Ports - Cruise Volunteer Thank You Morning Tea	Mayor Jerry Clune
29 May 2024	Australian Defence Satellite Communications Station (ADSCS) Introduction and Tour	Mayor Jerry Clune
30 May 2024	Filming for Council Update Videos - Coffee with a Councillor	Mayor Jerry Clune
30 May 2024	ABC Radio Interview - Cruise Ship Season Wrap Up	Mayor Jerry Clune
30 May 2024	Reconciliation Week Lunch	Mayor Jerry Clune
30 May 2024	Office of the Auditor General - Audit Committee Chair Forum	Mayor Jerry Clune
31 May 2024	Meeting with Hon David Michael MLA, Minister for Mines and Petroleum; Ports; Road Safety; Minister Assisting the Minister for Transport – Local Matters	Mayor Jerry Clune
31 May 2024	Photo for media release - New Community Mural (with Imogen Palmer and local artists)	Mayor Jerry Clune
30 May 2024	Meeting with Yamatji Southern Regional Corporation (YSRC) – Proposed Geraldton-Mt Magnet Road and Yanget Rd Truck Stop	Mayor Jerry Clune
31 May 2024	National Reconciliation Week Networking & Engagement Afternoon Tea	Mayor Jerry Clune
1 June 2024	West Australian Interview - Perth Airport Fuel Supply	Mayor Jerry Clune
3 June 2024	Channel 7 Interview - Perth Airport Fuel Supply	Mayor Jerry Clune
4 June 2024	Mayor/Deputy Mayor/CEO Regular Catch up	Mayor Jerry Clune
4 June 2024	CEO Performance Review Committee	Mayor Jerry Clune
4 June 2024	Concept Forum	Mayor Jerry Clune
5 June 2024	Mid West Chamber of Commerce (MWCCI) Midwest Economic Summit - "Investing Today for Tomorrow"	Mayor Jerry Clune
5 June 2024	MWCCI Business After Hours co-hosted by City of Greater Geraldton and Batavia Shipping	Mayor Jerry Clune
6 June 2024	Walkaway Visit – Walkaway Public Hall	Mayor Jerry Clune
6 June 2024	Heritage Advisory Committee – Expression of Interest (EOI) Evaluation	Mayor Jerry Clune
6 June 2024	ABC Radio Afternoons Interview – Geraldton Regional Hospital Commencement	Mayor Jerry Clune
10 June 2024	Mayor/Deputy Mayor/CEO Regular Catch up	Mayor Jerry Clune
10 June 2024	Marketing & Media Regular Catch Up	Mayor Jerry Clune
10 June 2024	ABC Radio Afternoons Interview - Geraldton Volunteer Marine Rescue (GVMR) Building	Mayor Jerry Clune
10 June 2024	Eastbourne Park Proposal with Spokes Cycle Club	Mayor Jerry Clune
11 June 2024	Photo Acknowledgement of Community Grants Program Funding - Brigades Football Club - Upgraded Seating	Mayor Jerry Clune
11 June 2024	Triple M Radio Interview – GVMR Building Demolition	Mayor Jerry Clune
11 June 2024	Local Progress Associations - Informal Catch Up	Mayor Jerry Clune
12 June 2024	Meeting with the Hon John Carey MLA BA (Hons), Minister for Planning; Lands; Housing; Homelessness	Mayor Jerry Clune
12 June 2024	Lunch Meeting at Parliament House with Jessica Shaw MLA, Parliamentary Secretary to the Premier and Minister for State and Industry Development, Jobs and Trade; Federal-State Relations; Public Sector Management; and Lara Dalton MLA, Member for Geraldton	Mayor Jerry Clune

13 June 2024	Geraldton Local Drug Action Group - Year 6 Health & Wellbeing Forum	Deputy Mayor Cr Natasha Colliver
13 June 2024	Geraldton Guardian Interview - GVMR Building Demolition	Mayor Jerry Clune
13 June 2024	Workpower First Anniversary	Mayor Jerry Clune
14 June 2024	ABC Radio Interview - GVMR Building Demolition	Mayor Jerry Clune
14 June 2024	Foodbank Event - Nom! Learn Cook Share Classes for Healthier Outcomes	Mayor Jerry Clune
15 June 2024	Brigades Vs Northampton Coin Toss - Acknowledgement of Community Grants Program Funding - Brigades Football Club - Upgraded Seating	Mayor Jerry Clune
16 June 2024	Radio Mama Interview - Local Matters	Mayor Jerry Clune
17 June 2024	Mayor/Deputy Mayor/CEO Regular Catch up	Mayor Jerry Clune
17 June 2024	Marketing & Media Regular Catch Up	Mayor Jerry Clune
17 June 2024	Australian Citizenship Ceremony	Mayor Jerry Clune
17 June 2024	Pre-Meeting with City of Greater Geraldton (City) Officers for Regional Development Assessments Panels (RDAP) Lot 15 (No. 459) Edward Road, Meru - Transport Depot	Mayor Jerry Clune
18 June 2024	Mayor and Councillor - Mullewa Catch Up	Mayor Jerry Clune
18 June 2024	Triple M Radio Interview - City advocates for accommodation and industrial land	Mayor Jerry Clune
18 June 2024	Regional Drought Resilience Planning (RDRP) Implementation Advisory Group Meeting	Mayor Jerry Clune
18 June 2024	Cycling Advocacy Group - Meet and Greet	Mayor Jerry Clune
18 June 2024	Agenda Forum	Mayor Jerry Clune
19 June 2024	Waggrakine Primary School NAIDOC Celebration	Mayor Jerry Clune
19 June 2024	Officers for Regional Development Assessments Panels (RDAP) Lot 15 (No. 459) Edward Road, Meru - Transport Depot	Mayor Jerry Clune
20 June 2024	Introductory Meeting with Mission Australia – Homelessness	Mayor Jerry Clune
20 June 2024	Accommodation & Investment Concept – Mid West Ports Authority (MWPA) & Campbell Transport	Mayor Jerry Clune
21 June 2024	Mid West Development Commission (MWDC) Board Meeting	Mayor Jerry Clune
21 June 2024	Club Wonthella - Official Opening of New Synthetic Green	Mayor Jerry Clune
21 June 2024	MWCCI Business Leaders Lunch - Regional Update	Deputy Mayor Cr Natasha Colliver
23 June 2024	Midwest Indian Cultural Society Inc - International Yoga Day	Deputy Mayor Cr Natasha Colliver
23 June 2024	Rotary Club of Greater Geraldton - Annual Changeover Dinner - Apprentice of the Year, Youth Exchange	Mayor Jerry Clune
24 June 2024	Northern Country Zone Meeting – Port Denison	Mayor Jerry Clune
24 June 2024	Mayor/Deputy Mayor/CEO Regular Catch up	Mayor Jerry Clune
24 June 2024	Marketing & Media Regular Catch Up	Mayor Jerry Clune
25 June 2024	Ordinary Meeting of Council	Mayor Jerry Clune

Note: Whilst it is noted that Council Members may have also been in attendance at the above events, this is a record of attendance by the Mayor, or where a Council Member has been asked to represent the Mayor.

11 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

There is none.

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 REPORTS OF DEVELOPMENT SERVICES

DS039	COMMERCIAL (RETAIL) LEASE – THE JAFFLE SHACK CAFE
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AGENDA REFERENCE:	D-24-065761
AUTHOR:	S Pratt-King, Coordinator Land and Leasing
EXECUTIVE:	R Hall, Director Development Services
DATE OF REPORT:	5 June 2024
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x1) Lease Diagram – Sea Container Cafe

EXECUTIVE SUMMARY:

The purpose of this report is for Council to consider a proposed commercial retail lease agreement between the City of Greater Geraldton and West End Hospitality Pty Ltd for a 50m² portion of Reserve 50100.

Cr N Colliver declared an impartiality interest in Item No. DS039 Commercial Lease (Retail) Jaffle Shack, as her daughter-in-law is a casual employee at the Jaffle Shack Foreshore.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 3.58 of the *Local Government Act 1995* RESOLVES to:

1. ENTER a commercial retail lease agreement with West End Hospitality Pty Ltd for the Sea Container Cafe located on a 50m² portion of Crown Reserve 50100, Lot 506 (250) Marine Terrace, Geraldton;
2. SET the proposed conditions as:
 - a. Lease term of ten (10) years, commencing on the date of execution;
 - b. Commence the lease fee at \$10,000 (excluding GST) per annum;
 - c. Adjust the lease fee annually based on the Perth Consumer Price Index (CPI);
 - d. Adjust the lease fee based on a market rent assessment at the commencement of year five (5);
3. MAKE the determination subject to:
 - a. Advertising notice period of fourteen (14) days inviting public submissions;
 - b. Consent from the Minister for Lands; and
4. REFER the item back to Council for consideration if any objecting submissions are received.

PROPONENT:

The proponent is West End Hospitality Pty Ltd trading as The Jaffle Shack Café.

BACKGROUND:

The Jaffle Shack Café is located on a portion of Crown Reserve 50100, Lot 506 (250) Marine Terrace, Geraldton. The reserve is managed by the City of Greater Geraldton (the City) for the purpose of foreshore reserve with the power to lease, subject to consent from the Minister for Lands.



Lot 506 (250) Marine Terrace, Geraldton

The Proponent has operated the cafe since 2015, under a nine (9) year lease approved by Council Item No. DRS219, which is set to expire on 31 August 2024.

In April 2024, a licensed valuer conducted a market rent assessment, in accordance with section 3.58(a)(c) of the *Local Government Act 1995*, confirming a commencing annual rent of \$10,000 (excluding GST).

Under the *Commercial Tenancy (Retail Shops) Agreements Act 1985*:

- The City cannot seek reimbursement for legal expenses related to the negotiation, preparation, or execution of the lease or any renewal or extension of the lease thereafter.
- The minimum lease term is five (5) years, which may be a combination of the initial term and options to extend.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:**Community:**

If approved, the proposed lease will enhance the Geraldton Foreshore experience for visitors and the community by supporting a gathering place for people to visit the area and form connections.

Economy:

Supporting local small business contributes to an improved economy by increasing consumer activity and enhancing the economic vitality of the community.

Environment:

The City conducts routine inspections to ensure that food businesses comply with the Food Act 2008 and Food Regulations 2009.

Leadership:

Active management of commercial leases is essential for demonstrating good governance and reinforces accountable leadership which is crucial for supporting local business and economic growth.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

On 27 November 2018, Council Item No. DCS389 resolved to dispose, by lease, a 50m² portion of Crown Reserve 42069 for the purpose of a sea container/transportable structure café to AJ's Beach Café.

On 15 October 2019, Council Item No. DCS424 resolved to dispose, by lease, a 50m² portion of Crown Reserve 50100 for the purpose of a sea container/transportable structure to Thornells Group Pty Ltd, trading as Kai Lani Café.

COMMUNITY/COUNCILLOR CONSULTATION:

Should Council approve the proposed lease, a public notice will be advertised for fourteen (14) days, inviting public submissions under Section 3.58 of the *Local Government Act 1995*.

Officers have consulted with the Proponent in the preparation of this report, their preferred lease term is reflected in the Executive Recommendation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 3.58 of the *Local Government Act 1995* details the process for disposing (in this case the leasing) of property.

Section 18 of the *Land Administration Act 1997* details the requirement to seek consent from the Minister for Lands for all Crown land transactions.

The *Commercial Tenancy (Retail Shops) Agreements Act 1985* outlines the requirements for commercial tenancy agreements relating to retail businesses.

Council Policy 1.5 Foreshore Use and Development was established to guide the management of proposals for commercial businesses on the foreshore. The policy is due for review in 2024 which will ensure it reflects the successful activation of the foreshore for commercial purposes. This update will focus on strategic management to sustainably develop the area while preserving its natural and cultural heritage.

FINANCIAL AND RESOURCE IMPLICATIONS:

The proposed commencing lease fee of \$10,000 (excluding GST) per annum, will be increased by CPI annually. A market rent assessment will be conducted to establish the new lease fee commencing from year five (5).

INTEGRATED PLANNING LINKS:

Strategic Direction: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.1	Local business is empowered and supported.
Outcome 2.4	A desirable place to live, work, play, study, invest and visit.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

Upon execution of the proposed lease agreement, the proponent would be required to provide evidence of appropriate insurances and be a registered food business with the City of Greater Geraldton.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following options were considered by City Officers:

1. Not enter the proposed new lease with the current operator. If the Council decides to end the lease when the current term expires, the Proponent can take away all improvements, structures, and property on the leased site. To support small business and maintain service continuity, City Officers do not recommend this option; and
2. Evaluate the market by advertising expressions of interest to lease the site. The Proponent could continue to operate on a month-by-month basis under the holding-over clause until a new lease is executed or either party terminates the lease. Should Council choose this alternative option, City Officers will commence an Expression of Interest process.

DS040	COMMUNITY LEASE – BUNDIYARRA ABORIGINAL COMMUNITY ABORIGINAL CORPORATION
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AGENDA REFERENCE:	D-24-065765
AUTHOR:	S Pratt-King, Coordinator Land and Leasing
EXECUTIVE:	R Hall, Director Development Services
DATE OF REPORT:	5 June 2024
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x1) Lease Diagram – 29 Whitfield Street, Beachlands

EXECUTIVE SUMMARY:

The purpose of this report is for Council to consider a proposed lease agreement between the City of Greater Geraldton and Bundiyarra Aboriginal Community Aboriginal Corporation for Reserve 25343, comprising of Lot 1511 and Lot 1717 (29) Whitfield Street, Beachlands.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 3.58 of the *Local Government Act 1995* RESOLVES to:

1. ENTER a lease agreement with Bundiyarra Aboriginal Community Aboriginal Corporation for Crown Reserve 25343, 29 Whitfield Street, Beachlands;
2. SET the proposed conditions as:
 - a. Endorse a five (5) year lease agreement, with a further term option of five (5) years by mutual agreement, commencing on the date of execution;
 - b. Commence the lease fee in line with the City of Greater Geraldton's Schedule of Fees and Charges reviewed annually;
3. MAKE the determination subject to consent from the Minister for Lands.
4. ADVISE the lessee that they are responsible for separately paying:
 - a. All applicable rates, taxes and other utilities;
 - b. All connections and installation of services; and
 - c. All other costs associated with the lease preparation, execution, and registration.

PROPONENT:

The proponent is the Bundiyarra Aboriginal Community Aboriginal Corporation (Bundiyarra).

BACKGROUND:

Crown Reserve 25343, comprising of Lot 1511 and Lot 1717 (29) Whitfield Street, Beachlands is under a management order with the City of Greater Geraldton (the City) with the power to lease. The management order is for the purpose of Infant Health Centre and Kindergarten, and subject to consent from the Minister for Lands. The property has been vacant since Ngala surrendered their lease in July 2023, per Council Item No. DS014.



Lot 1511 and Lot 1717 (29) Whitfield Street, Beachlands

Bundiyyarra have been active in the Midwest region since 1992 and provide programs and resources to assist in improving social, cultural, economic, and community engagement for Aboriginal people. Bundiyyarra's Connected Beginnings initiative, funded by the Australian Government, aims to increase engagement with Aboriginal and Torres Strait Islander children aged 0-5 years and their families to provide care, improve health and early childhood education. Enhancing access to existing early childhood, maternal and child health family support services, ensures children are safe, healthy and prepared for success in school.

Bundiyyarra has expressed an interest in leasing 29 Whitfield Street, Beachlands, to support their Connected Beginnings team in creating a culturally safe and inclusive space for the community, parents/caregivers and children. This space will provide easy access to support services, information and referrals.

Bundiyyarra has confirmed they have secured funding to complete minor improvements to the property, including upgrading the kitchen, with the total cost estimated at \$50,000. Should the proposed lease be approved by Council, City Officers will work with Bundiyyarra to ensure all regulatory compliance requirements are met. While City Officers anticipate no issues with aligning the purpose of the management order with the intended use for the property, they will seek confirmation from the Department of Planning, Lands and Heritage.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:**Community:**

If approved, the proposed lease will assist in facilitating the delivery of vital early childhood education and care services. The Connected Beginnings program provides an ongoing positive influence for our aboriginal community.

Economy:

Supporting community initiatives contributes to balanced economic development with a strategic focus on the future success of our community.

Environment:

There are no adverse environmental impacts as the building is already established.

Leadership:

Active management of community leases demonstrates good governance and reinforces accountable leadership. This is crucial for supporting local community groups in their efforts to enhance the social fabric of the City of Greater Geraldton.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

On 19 December 2023, Council Item No. DS014 resolved to dispose of, by lease, a portion of Reserve 31364, 208 Eighth Street, Wonthella, to Bundiyarra Aboriginal Community Aboriginal Corporation for a Youth Connection to Culture Centre.

The lease for 208 Eighth Street, Wonthella is close to being finalised. The Department of Planning, Lands and Heritage have changed the purpose of the management order for the Reserve to include 'Youth Centre'. Bundiyarra will consider the formal endorsement of the lease agreement at their next Board meeting, anticipated for some time in June 2024.

COMMUNITY/COUNCILLOR CONSULTATION:

Officers have consulted with Bundiyarra in the preparation of this report; their preferred lease term is reflected in the Executive Recommendation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 3.58 of the *Local Government Act 1995* details the process for disposing (in this case the leasing) of property.

Section 18 of the *Land Administration Act 1997* details the requirement to seek consent from the Minister for Lands for all Crown land transactions.

Regulation 30 of the *Local Government (Functions and General) Regulations 1996* describes dispositions of property excluded from Section 3.58 of the *Local Government Act 1995* for objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting and other like natures. As such the requirement to give local public notice for this disposition does not apply.

FINANCIAL AND RESOURCE IMPLICATIONS:

The current lease fee for community groups is \$464.00 (including GST) per annum.

INTEGRATED PLANNING LINKS:

Strategic Direction: Community	Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.
Outcome 1.1	Enhanced lifestyle through spaces, places, programs and services that foster connection and inclusion.
Outcome 1.6	Community capacity, innovation and leadership is encouraged.
Outcome 1.10	A place where people have access to, engage in and celebrate arts, culture, education and heritage.
Strategic Direction: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.1	Local business is empowered and supported.
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.9	Collaboration and strategic alliances with Local Government partners delivers results for common aspirations.

REGIONAL OUTCOMES:

Connected Beginnings uses a collective impact approach. This means that community members and organisations work together to:

- Identify the community's strengths, skills, and resources;
- Identify issues affecting their community;
- Co-design solutions to these issues; and
- Fund solutions that suit the priorities and needs of each location.

Supporting this initiative in the Midwest Region will lead to improved regional health and educational outcomes for Aboriginal & Torres Strait Islander children and families.

RISK MANAGEMENT:

There are no significant risks in approving, or not approving, the recommendation. Upon execution of the proposed lease agreement, Bundiyarra would be required to provide evidence of the appropriate insurances.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following options were considered by City Officers:

1. Not enter a lease agreement with Bundiyarra for the property. Officers do not recommend this as the proposed use aligns with the purpose of the Reserve and will contribute to improving educational and healthcare outcomes for Aboriginal and Torres Strait Islander children and families in the community;
2. Leave the property vacant. Officers do not recommend this option. When a property remains vacant, residents may perceive this as a sign of neglect or mismanagement by the City. This perception can erode trust and confidence in the Local Government's ability to effectively maintain and utilise community assets; and
3. Evaluate the market by advertising expressions of interest to lease the site. Should Council choose this alternative option, City Officers will commence an Expression of Interest process.

DS042	PROPOSED 21 SERVICED APARTMENTS – LOT 25 (NO. 54) FITZGERALD STREET, GERALDTON
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AGENDA REFERENCE:	D-24-071353
AUTHOR:	N Browne, Coordinator Statutory Planning
EXECUTIVE:	R Hall, Director Development Services
DATE OF REPORT:	11 June 2024
FILE REFERENCE:	TP24/084
ATTACHMENTS:	Yes (x1) Development Application Plans

EXECUTIVE SUMMARY:

The purpose of this report is for Council to consider a development application under the City's Local Planning Scheme No. 1 for twenty one (21) Serviced Apartments on Lot 25 (No. 54) Fitzgerald Street, Geraldton.

The proposal is for the redevelopment of the two storey building that remains on the property noting that all other buildings (formerly known as the Batavia Motor Inne) have recently been demolished.

It is recommended that Council approve the development application with conditions. Officers have delegation to determine applications for development approval however, this application is presented to Council for determination as Council has previously resolved to Direct the CEO to initiate legal action for the demolition of buildings on the subject property.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Schedule 2, Part 9, Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to:

1. GRANT development approval for 21 Serviced Apartments on Lot 25 (No. 54) Fitzgerald Street, Geraldton;
2. MAKE the determination subject to the following conditions and advice notes:
 - a. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect;
 - b. Development and land use shall be in accordance with the attached approved plan(s) dated and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;
 - c. Prior to an application for a building permit being made, revised plans shall be submitted to and approved in writing by the local government for the car park, incorporating the following measures:
 - i. Dimensions to be shown for each parking bay; and
 - ii. An additional parking bay being provided on-site in order to have a total of 21 parking bays, being one for each serviced apartment;

-
- d. The area set aside for the parking of vehicles together with the associated access as shown on the updated plan required as part of condition c. shall:
 - i. be installed to the satisfaction of the local government prior to the commencement of the approved use;
 - ii. be maintained thereafter to the satisfaction of the local government;
 - iii. be made available for such use at all times and not used for any other purpose unless otherwise approved in writing by the local government;
 - iv. be properly formed to such levels that it can be used in accordance with the approved plan(s) and use;
 - v. be drained and sealed with an all-weather seal coat to the satisfaction of the local government;
 - vi. have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the approved plan(s);
 - vii. be designed in accordance with AS2890; and
 - viii. provide for accessible car parking in accordance with the relevant provisions of the BCA and AS2890 Part 6 2009.
 - e. The area set aside for the parking of bicycles as shown on the attached approved plan(s) shall:
 - i. be installed to the satisfaction of the local government prior to the commencement of the approved use;
 - ii. be maintained thereafter to the approval of the local government;
 - iii. the bicycle parking shall be designed in accordance with AS2890.3; and
 - iv. be made available for such use at all times and not used for any other purpose, unless otherwise approved in writing by the local government.
 - f. Prior to the occupation of the development, a Travel Plan shall be submitted to and approved in writing by the local government. The Travel Plan shall be prepared having regard to the provisions of the City of Greater Geraldton Local Planning Policy Travel Plans. The approved Travel Plan shall be implemented prior to the occupation of the development and thereafter maintained to the satisfaction of the local government;
 - g. Prior to the occupation of the development, all demolition rubble and related materials located on the property are to be removed and disposed of to the satisfaction of the local government. The proponent must notify the local government that all demolition rubble has been removed of and disposed of, and confirm the timing and method of disposal, prior to the occupation of the development;
 - h. Prior to the commencement of the development a detailed schedule of colours, finishes and materials shall be provided to and approved in writing by the local government;
 - i. Prior to an application for a building permit, an outdoor lighting plan must be submitted and approved in writing by the local government. The outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties. The approved outdoor lighting plan shall be implemented prior to the occupation of
-

- the development and thereafter maintained to the satisfaction of the local government;
- j. Prior to an application for a building permit, a detailed design of stormwater collection and system of disposal from the developed areas is to be submitted to and approved in writing by the local government. The approved detailed design is to be implemented in full prior to the commencement of the approved use and maintained thereafter to the satisfaction of the local government, with all storm water to be disposed of on-site;
 - k. Prior to an application for a building permit, a detailed landscaping plan shall be submitted to and approved by the local government. The landscaping plan shall be generally consistent with the submitted development plan and provide information regarding the species selection, reticulation, details of existing vegetation to be retained, pavement details and the treatment of landscaped surfaces. The approved Landscape Plan shall be implemented prior to the occupation of the development and thereafter maintained to the satisfaction of the local government;
 - l. Prior to the commencement of the development, the proponent is responsible to ensure that a waste management plan, is lodged with the local government for its approval, and is approved by the local government. Once approved, the proponent is responsible to ensure that the development operates at all times and in all respects in accordance with the approved waste management plan;
 - m. All areas of outdoor storage must be screened from public view to the satisfaction of the local government;
 - n. No goods or materials are to be stored in the areas set aside for parking, landscaping or within access driveways; and
 - o. Any lighting device used to illuminate the horizontal signage is to be positioned and shielded as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries or cause any glare nuisance to any nearby sensitive land uses or passing motorists.

Advice notes:

1. This is development approval under the provisions of the *Planning and Development Act 2005* only. Nothing in this approval removes the need to comply with all relevant legislation including but not limited to the National Construction Code, the *Environmental Protection (Noise) Regulations 1997* and the *Public Health Act 2016*.

PROPONENT:

The proponent and landowner is 54 Fitzgerald Pty Ltd.

BACKGROUND:

The application seeks approval for the redevelopment of the existing two storey building on-site for twenty one (21) Serviced Apartments for the purpose of short term accommodation. One of the Serviced Apartments on the ground floor will be configured as an accessible apartment.

The existing building is proposed to be repaired, graffiti removed and repainted. All external doors and windows will also be replaced to meet the current National Construction Code requirements.

The development also includes associated signage, car parking and landscaping. The landscaping includes some communal facilities such as pergolas and BBQ's which guests will be able to use.

There is no reception area proposed with all bookings and check-in being online. Guests will be provided with the code to enter the front gate and a code to a locked box within the site to access the keys to their serviced apartment. Guests will also be provided with the contact details of the caretaker should any issues arise during their stay.

Access to the proposed development will be provided from the existing crossover/vehicle access point on Fitzgerald Street.

A copy of the development application plans are included as Attachment - Development Application Plans.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

The unoccupied Batavia Motor Inne has been a source of community concern and frustration for many years. The unoccupied site has facilitated anti-social and criminal behaviour and is a regular headline in the local media. For this reason, the City has attempted for many years to eliminate the issue through various means including an offer to buy, attempts to negotiate and several legal actions; one of which is still on-going. The renewal and legitimate occupancy of the remaining building will provide additional housing amid the current national shortage; with the increased legitimate use of the site dissuading antisocial behaviour.

Economy:

There is a potential economic benefit relating to this proposal. The proposed Serviced Apartments is consistent with the objectives of the Regional Centre zone under the City of Greater Geraldton Local Planning Scheme No. 1 (LPS No. 1) which aims to ensure the regional centre provides for a wide range of activities including tourism businesses.

Environment:

The proponent engaged Meta Maya Environmental Pty Ltd to undertake a clearance inspection and issue an asbestos clearance certificate following the removal of asbestos containing materials from the site.

The proponent has provided a copy of the asbestos clearance certificate which confirms that all asbestos removal works were undertaken in accordance with WA's Health and Safety (General) 2022 Regulations. The objective of the clearance certificate is to provide verification that the asbestos removal area and the area immediately surrounding it are free from visible asbestos contamination and the area can be safely re-occupied.

Leadership:

The City demonstrates leadership by considering the development application according to the requirements and considerations of the City's Planning Framework.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

The City has been receiving and approving a large number of development applications which must be considered on their merits according to the City's Planning Framework.

COMMUNITY/COUNCILLOR CONSULTATION:

The site has been the subject of a high level of community engagement over many years. There is no legislative requirement to undertake consultation for this application.

LEGISLATIVE/POLICY IMPLICATIONS:

There are a range of legislative and policy matters which need to be considered as a part of the assessment of the proposed development. These are included below:

Legislation

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;* and
- City of Greater Geraldton Local Planning Scheme 1.

Local Planning Policies

- City Centre Local Planning Policy;
- Geraldton City Centre Revitalisation Plan; and
- Signage Local Planning Policy.

Planning Assessment

The proposal has been assessed against all the relevant legislative requirements of the Scheme, State Planning Policies and Local Planning Policies as outlined in the Legislation and Policy Section of this report. The following matters have been identified as key considerations for the determination of this application:

- Land Use;
- Car Parking; and
- Demolition Rubble.

Land Use

The subject site is zoned Regional Centre under the provisions of the City of Greater Geraldton Local Planning Scheme No.1. The objectives for the 'Regional centre zone' are outlined in Clause 3.2.1 and are as follows:

- a. *ensure that the Geraldton regional centre continues as the largest multifunctional centre of activity, providing the most intensely concentrated development in the region, the greatest range of high order services and jobs and the largest commercial component of any activity centre.*
- b. *support the maturation of the Geraldton regional centre into a diverse, intense and highly connected activity centre with high density residential.*
- c. *promote development of the Geraldton regional centre as a focus for a wide range of retail, business, commercial, health, education, entertainment, cultural, recreational, community, tourism and public transport activities.*

Under the provisions of Table 12 – Zoning Table of LPS No. 1 the proposed Serviced Apartments is a 'D' use.

'D' - discretionary meaning that they are uses that are not permitted unless the local government has exercised its discretion by granting development approval.

In considering the appropriateness of the proposed use, a range of matters have been assessed, including the objectives of the zone, the relevant development controls contained in the scheme, local planning policies and the previous use of the site. It is also noted that the previous use of the site was also short term accommodation, being the 'Batavia Motor Inne'.

The use proposed as a part of the proposed development will help to ensure the regional centre thrives into the future. The use is consistent with the objectives for the zone and is appropriate for approval.

Car Parking

The proposal has been assessed under the City's Local Planning Scheme which requires 21 car bays to be provided on-site, being one (1) car bay per unit. The development is proposing to provide 20 car bays on-site. Although this is a shortfall of one (1) car bay it is noted that there is sufficient room on-site to provide the required additional car bay. This can be conditioned accordingly.

Under clause 4.14.5 of Local Planning Scheme No. 1 a travel plan is required to be provided in certain circumstances including where there are more than 20 tourism units such is the case with this development. The Travel Plans local planning policy provides additional information to describe the purpose of a travel plan and what it should cover.

The applicant has not provided a travel plan as part of the development application. As such a condition of approval has been recommended, requiring the provision of a travel plan prior to occupation of the development.

Demolition Rubble

On 4 November 2022 the City issued various notices to the owner of the site under the *Health (Miscellaneous Provisions) Act 1911*. The notices declared the buildings on the site unfit for human habitation and required that they be demolished within 90 days.

A demolition permit was issued by the City on 20 September 2023 and demolition works were undertaken during September/October 2023.

The works resulted in the buildings on the southern half of the site being demolished, leaving the building subject to this application remaining.

The City has commenced action in the Magistrates Court, in relation to the failure of the landowner to carry out the demolition actions required in the notices issued on 4 November 2022.

It is anticipated that the City's decision regarding the development application, the subject of this report, will be taken into consideration by the Magistrate in determining the matter before the court.

It is noted that there is a substantial amount of rubble remaining on-site which is a result of the demolition works. There is considered to be a reasonable nexus between the proposed development and the need to remove the existing demolition rubble from the site. As such it is recommended that the removal of all demolition rubble and related materials from the property be conditioned accordingly.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications however, should Council refuse the application and the proponent seeks a review of the decision, a further cost is likely to be imposed on the City through its involvement in the State Administrative Tribunal (SAT) process. The proponent could also seek a review of any conditions of approval that are imposed, again resulting in a further cost to the City through its involvement in the SAT process.

INTEGRATED PLANNING LINKS:

Strategic Direction: Community	Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.
Outcome 1.1	Enhanced lifestyle through spaces, places, programs and services that foster connection and inclusion.
Outcome 1.4	Community safety, health and well-being is paramount.
Strategic Direction: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.1	Local business is empowered and supported.
Outcome 2.4	A desirable place to live, work, play, study, invest and visit.
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.2	Decision making is ethical, informed and inclusive.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There are no specific risks associated with this development. If Council were to refuse the proposed development, the applicant does have the right of appeal to the SAT and there would need to be valid town planning reasons given for the refusal.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The 'Serviced Apartments' land use is consistent with the objectives of the Regional Centre zone under Local Planning Scheme No. 1 and the proposed development generally complies with the site and development requirements. The 'Serviced Apartments' land use aligns with promoting development of the Geraldton regional centre as a focus for a wide range of uses including tourism activities. Based on the planning merits of the application, the option to refuse the application is not supported.

The option to defer is not supported as there is sufficient information for Council to determine the matter. In any event, the *Planning and Development (Local Planning Schemes) Regulations 2015* states that the local government must determine an application for development approval within 60 days of receipt of the application.

In conclusion, it is considered that the proposed development will enhance and improve what has for some time been a 'derelict' site. The development is generally consistent with the relevant planning framework and will make a positive contribution to the locality.

12.2 REPORTS OF COMMUNITY AND CULTURE**CC016 GREATER GERALDTON CRIME PREVENTION COMMITTEE - REPRESENTATION**

AGENDA REFERENCE:	D-24-066462
AUTHOR:	F Norling, Director Community and Culture
EXECUTIVE:	F Norling, Director Community and Culture
DATE OF REPORT:	25 June 2024
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x2) 1 x Confidential
	A. Terms of Reference – Greater Geraldton Crime Prevention Committee
	B. Confidential - EOI and Evaluation Matrix - Greater Geraldton Crime Prevention Committee 2024 - 2025

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to appoint other persons to be members of the Greater Geraldton Crime Prevention Committee (GGCPC). The purpose of this Committee is to provide advice to Council on the development and implementation of the Greater Geraldton Crime Prevention Plan 2024 – 2029.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority pursuant to Section 5.10 of the Local Government Act 1995 RESOLVES to:

1. APPOINT the following persons to be members of the Greater Geraldton Crime Prevention Committee:
 - a. Western Australia Police Officer in Charge, Geraldton (or proxy);
 - b. Western Australia Police Officer in Charge, Mid West Gascoyne Youth Engagement Team (or proxy);
 - c. Community Representative Bob Hall;
 - d. Community Representative – Vacant;
2. CONDUCT a new Expression of Interest process for the vacant Community Representative position for the term of the committee; and
3. DETERMINE the appointments to apply until the expiration date 18 October 2025.

PROPONENT:

The proponent is the City of Greater Geraldton (the City).

BACKGROUND:

At the City of Greater Geraldton Ordinary Meeting of Council held on 28 November 2023 Council resolved to approve Item No. CEO110 Re-establishment of Council Advisory Committees. This is applicable to the GGCPC and therefore this item recommends other persons to the Committee accordingly.

Other persons, which means a person who is not a Council member or an employee, as per the Local Government Act 1995 Section 5.9 (1) can be members of a local government committee, to be endorsed by Council resolution with their term expiring at the next Local Government Election.

Other persons forming the GGPCPC are representatives of Western Australian Police – Officer in Charge Geraldton and Officer in Charge - Mid West Gascoyne Youth Engagement Team.

Expressions of interest from prospective community representatives for the Greater Geraldton Crime Prevention Committee were sought from 10 May 2024 – 27 May 2024. Advertisements were included on the City’s website and social media, as well as the Geraldton Guardian and Mid West Times newspapers. Applicants were asked to address specific criteria, which demonstrated their knowledge of crime prevention, along with a copy of their curriculum vitae.

One (1) expression of interest (EOI) to the position of Community Representative was received by the closing date of Monday, 27 May 2024.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

To make the City a safe and liveable place there is a focus on the reduction of crime and the perceptions of crime by the community. The Greater Geraldton Crime Prevention Committee works to deliver the outcomes of the Community Safety Crime Prevention Plan 2024-29 and members of the Committee will provide feedback on implementation of the Plan.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership

Ensuring that Council Advisory Committees have strong community representation and are comprised of individuals who are knowledgeable in crime prevention will support the role of Council in the good governance of the City.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

At the Ordinary Meeting of Council held on 26 April 2022 – Item No. DCS524, Council resolved to appoint the previous persons to the GGPCPC.

COMMUNITY/COUNCILLOR CONSULTATION:

Councillors were consulted at the Greater Geraldton Crime Prevention Committee meeting held on the 20 February 2024 when a review of the membership and Terms of Reference was conducted. During this process, membership and meeting quorum were considered and agreed.

The two (2) Community Representative positions were advertised with only one (1) expression of interest received. The application was circulated to Council Committee members by email to evaluate.

A meeting was held on 04 June 2024 with the Committee at which the following recommendation was made:

Committee Recommendation:

RECOMMENDED that the EOI for Community Member for the Greater Geraldton Crime Prevention Committee Meeting as submitted on 27 May 2024, be appointed to the Committee for the term of 18 October 2025.

COMMITTEE DECISION:

MOVED Cr A Horsman, SECONDED Cr J Critch

CARRIED 3/0

Not Voted: 0

Against Votes: 0

For Votes: 3

<i>Name</i>	<i>Vote (For or Against)</i>
<i>DM Colliver</i>	<i>For</i>
<i>Cr Critch</i>	<i>For</i>
<i>Cr Horsman</i>	<i>For</i>

All three (3) Council Committee members voted unanimously to recommend that Council appoint the person to the Community Representative vacancy. Officers recommend that the vacant position for the second community representative be re-advertised through conduct of a new EOI process during the term of the committee to allow for greater participation and inclusivity for the Committee.

LEGISLATIVE/POLICY IMPLICATIONS:

The Local Government Act 1995 includes provisions relating to Council Committees and the appointment and tenure of members.

FINANCIAL AND RESOURCE IMPLICATIONS:

In accordance with Council Policy 4.12 Independent Committee Member Fees and Reimbursements, endorsed Committee members can be paid under section 5.100 of the Act.

INTEGRATED PLANNING LINKS:

Strategic Direction: Community	Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.
Outcome 1.1	Enhanced lifestyle through spaces, places, programs and services that foster connection and inclusion.
Outcome 1.3	Pride in place and a sense of belonging is commonplace.
Outcome 1.4	Community safety, health and well-being is paramount.

Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well-informed decision-making.
Outcome 4.2	Decision making is ethical, informed and inclusive.

REGIONAL OUTCOMES:

Community involvement in the GGPC provides unique insights from individuals as well as their collective expertise. This Committee provides important strategic advice to the City regarding the crime prevention.

RISK MANAGEMENT:

Community representatives are chosen based on their knowledge, which ensures the guidance they provide to Council will be relevant and informed. A lack of community representation on GGPC could potentially be viewed by the community as not valuing their views and input.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

- NOT SUPPORT the one (1) application for community representative on the Committee. It was considered that in accordance with good governance, community representation is recognised as important to the function of this Committee.
- NOT SUPPORT conduct of a new Expression of Interest process with the aim of filling the vacant Community Representative position and leave the position vacant for the tenure of the committee. This option is not supported by Officers in order to allow for greater participation and inclusivity for the Committee.

CC017 HERITAGE ADVISORY COMMITTEE REPRESENTATION

AGENDA REFERENCE:	D-24-066440
AUTHOR:	B Edwards A/Manager Libraries, Heritage and Gallery
EXECUTIVE:	F Norling, Director Community and Culture
DATE OF REPORT:	25 June 2024
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x2) 1 x Confidential
	A. Terms of Reference Heritage Advisory Committee
	B. Confidential - EOI and Evaluation Matrix Heritage Advisory Committee

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to appoint other persons to be members of the Heritage Advisory Committee (HAC). The purpose of this Committee is to provide advice to Council on the implementation of the City of Greater Geraldton Heritage Strategy 2023 – 2028.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority pursuant to Section 5.10 of the *Local Government Act 1995* RESOLVES to:

1. APPOINT the following persons and organisations to be members of the Heritage Advisory Committee:
 - a. Community Representative – Michael Reymond;
 - b. Community Representative – Marilyn McLeod;
 - c. Heritage Organisation – Greenough Museum and Gardens Community Association;
 - d. Heritage Organisation – Walkaway Station Museum; and
2. DETERMINE the appointment to apply until the expiration of Committees Term 18 October 2025.

PROPONENT:

The proponent is the City of Greater Geraldton (the City).

BACKGROUND:

At the City of Greater Geraldton Ordinary Meeting of Council held on 28 November 2023, Council resolved to approve Item No. CEO110 Re-establishment of Council Advisory Committees. This is applicable to the HAC and therefore this item recommends other persons to the Committee accordingly.

Other persons, which means a person who is not a Council member or an employee, as per the Local Government Act 1995 Section 5.9 (1) can be members of a local government committee, to be endorsed by Council resolution with their term expiring at the next Local Government Election.

Expressions of interest (EOI) from prospective community and organisational representatives on the HAC were sought from 10 May 2024 – 27 May 2024.

Advertisements were placed in the Public Notice section of the Geraldton Guardian and the Midwest Times, promoted via the City's website and social media, as well as being circulated by email to relevant community groups. Applicants were requested to address specific criteria, which demonstrated their knowledge of heritage matters, along with a copy of their curriculum vitae.

The HAC is currently comprised of four (4) elected Council Members (Mayor J Clune, Deputy Mayor Cr N Colliver, Cr K Parker, and Cr S Keemink), two (2) Heritage Organisations and two (2) Community Representatives, all of whom have voting rights. Additionally there are six (6) support staff and Ex-Officio members, being City Heritage Advisor and Regional Manager, Museum of Geraldton.

Four (4) responses were received, two (2) of which were from Community Organisations Greenough Museum and Gardens and Walkaway Station Museum, with two (2) being for Community Representatives - Ms Marilyn McLeod and Mr Michael Reymond.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

The City has a strong sense of place and history and is proud to make heritage an important part of its broader mission to enhance and celebrate its diverse community. Community representation plays an important part in this process.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

Ensuring that Council Advisory Committees have strong community representation and are comprised of individuals who are knowledgeable in heritage matters will support the role of Council in the good governance of the City of Greater Geraldton.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

At the Ordinary Meeting of Council on 22 February 2022 Item No. DCS516, Council Resolved to appoint the previous persons to the HAC.

COMMUNITY/COUNCILLOR CONSULTATION:

Councillors were consulted at the Committee held on 11 March 2024 when a review of the membership and terms of reference was conducted. The two (2) Community Representative positions and two (2) Organisational positions were advertised. The applications were circulated to Council Committee members by email to evaluate.

A meeting was held on 04 June 2024 with the Committee at which the following recommendation was made:

Committee Recommendation:

RECOMMENDED that the EOI's for Community Representative M Reymond and M McLeod and the Organisational Representatives Greenough Museum and Community Gardens and Walkway Station Museum as evaluated by the members of the Committee be submitted to Council for formal consideration for their appointment to the Committee for the term of October 2023 to October 2025.

COMMITTEE DECISION:

MOVED Cr Keemink, SECONDED Mayor Clune

CARRIED 3/0

Not Voted: 1

Against Votes: 0

For Votes: 3

<i>Name</i>	<i>Vote (For or Against)</i>
<i>DM Colliver</i>	<i>For</i>
<i>Mayor Clune</i>	<i>For</i>
<i>Cr Keemink</i>	<i>For</i>
<i>Cr Parker</i>	<i>NOT PRESENT</i>

LEGISLATIVE/POLICY IMPLICATIONS:

The Local Government Act 1995 includes provisions relating to Council Committees and the appointment and tenure of members.

FINANCIAL AND RESOURCE IMPLICATIONS:

In accordance with Council Policy 4.12 Independent Committee Member Fees and Reimbursements, endorsed Committee members can be paid under section 5.100 of the Act.

INTEGRATED PLANNING LINKS:

Strategic Direction: Community	Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.
Outcome 1.1	Enhanced lifestyle through spaces, places, programs and services that foster connection and inclusion.
Outcome 1.2	We are a community accountable for our actions.
Outcome 1.10	A place where people have access to, engage in and celebrate arts, culture, education and heritage.
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.2	Decision making is ethical, informed and inclusive.
Outcome 4.7	Council understands its roles and responsibilities and leads by example.

REGIONAL OUTCOMES:

Community involvement in the HAC provides unique insights from individuals and their collective expertise. These committees provide important strategic guidance to the City.

RISK MANAGEMENT:

Where community and organisational representatives are chosen based on their experience and knowledge, the guidance they provide to Council will be relevant and informed.

A lack of community representation on HAC could potentially be viewed by the community as not valuing their views and input.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

- NOT SUPPORT the recommendations by the Committee for community and organisational representatives. It was considered that in accordance with good governance, community representation is recognised as important to the function of this Committee.

CC018	GERALDTON REGIONAL ART ADVISORY COMMITTEE REPRESENTATION
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AGENDA REFERENCE:	D-24-068609
AUTHOR:	B Edwards A/Manager Libraries, Heritage and Gallery
EXECUTIVE:	F Norling, Director Community and Culture
DATE OF REPORT:	25 June 2024
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x2) 1 x Confidential
	A. Terms of Reference Geraldton Regional Art Advisory Committee
	B. Confidential – EOI and Evaluation Matrix Geraldton Regional Art Advisory Committee

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to appoint other persons to be members of the Geraldton Regional Art Advisory Committee (GRAAC).

The purpose of this Committee is to provide advice to Council for the development of and implementation of the Geraldton Regional Art Gallery Strategic Plan 2023 – 2027 and the Greater Geraldton Public Art Strategy 2020 – 2025.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority pursuant to Section 5.10 of the *Local Government Act 1995* RESOLVES to:

1. APPOINT the following community representatives to be members of the Geraldton Regional Art Advisory Committee:
 - a. Community Representative - Alysha Saunders;
 - b. Community Representative - Annalise Fosbery;
 - c. Community Representative - Mark Lennard;
 - d. Community Representative - Susan Smith;
 - e. Representative from Yamaji Art (or proxy); and
2. DETERMINE the appointment to apply until the expiration of the Committees Term of 18 October 2025.

PROPONENT:

The proponent is the City of Greater Geraldton (the City).

BACKGROUND:

At the City of Greater Geraldton Ordinary Meeting of Council held on 28 November 2023 Council resolved to approve Item No. CEO110 Re-establishment of Council Committees. This is applicable to the GRAAC and the report therefore recommends community representative members to the Committee accordingly.

Other persons, which means a person who is not a Council member or an employee, as per the Local Government Act 1995 Section 5.9 (1) can be members of a local government committee, to be endorsed by Council resolution with their term expiring at the next Local Government Election.

Expressions of interest (EOI) from prospective community representatives on the GRAAC were sought from 10 May 2024 – 27 May 2024. Advertisements were placed in the Public Notice section of the Geraldton Guardian and the Midwest Times, promoted via the City's website and social media. Applicants were requested to address specific criteria, which demonstrated their knowledge of the arts, along with a copy of their curriculum vitae.

The GRAAC comprises four (4) Council Members, four (4) community representatives and a representative from an Aboriginal Community Arts Group, all of whom have voting rights. Additionally, there are five (5) support staff members.

At the first meeting of the GRAAC held 27 February 2024 Council Members considered updates to the Terms of Reference and requested Officers begin to seek expressions of interest for community representation on the GRAAC.

Six (6) expressions of interest (EOIs) were received for the GRAAC by the closing date of Monday 27 May 2024.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

The Geraldton Regional Art Gallery (GRAG) is recognised as Western Australia's first regional A-Class arts facility, opened in 1984 in the former Town Hall. As a State Heritage listed venue, the GRAG is highly valued by the community and presents a diverse range of both touring and local exhibitions. Public art initiatives form an important part of the City's vibrancy and give the community a stronger sense of place and identity. Community representation is a vital part of ensuring that community feedback is provided to Council, which in turn assists in informed decision making.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

Community members provide valuable insights into the arts, with a high level of expertise. Their role on the committee provides an opportunity to be leaders in the arts and cultural activities in the City of Greater Geraldton, taking an active role in providing advice on art, public art and gallery strategic direction. This supports the Council in good governance in the City.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

At the Ordinary Meeting of Council held on 1 February 2022 Item No. DCS515 - Council resolved the appointment of the previous Community representatives to the GRAAC and their expiration term.

COMMUNITY/COUNCILLOR CONSULTATION:

Committee Councillors were consulted at the first meeting of the GRAAC held on the 27 February 2024 when a review of the membership and Terms of Reference was conducted. During this process, matters including membership and meeting quorum were considered and agreed.

Nominations received through the EOI process and evaluation material were circulated to Elected Members of the GRAAC, with the Committee then meeting on 10 June 2024 to consider the evaluation of nominations. Each nominee was scored from a potential fifteen (15) marks across a range of criteria. The Committee unanimously voted to appoint all applicants to the Committee as per the following recommendation.

RECOMMENDED that the following highest scoring four (4) EOI's for Community Representatives Alysha Saunders, Annalise Fosbery, Mark Lennard and Susan Smith, as evaluated by the Council Committee members be submitted to Council for formal consideration for their appointment to the Committee for the term of October 2023 to October 2025.

COMMITTEE DECISION:

MOVED Cr Denton, SECONDED Cr Cooper

CARRIED 2/0

Not Voted: 2

Against Votes: 0

For Votes: 2

<i>Name</i>	<i>Vote (For or Against)</i>
<i>Cr Cooper</i>	<i>For</i>
<i>Cr Denton</i>	<i>For</i>
<i>Cr Keemink</i>	<i>NOT PRESENT</i>
<i>Cr Parker</i>	<i>NOT PRESENT</i>

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

In accordance with Council Policy 4.12 Independent Committee Member Fees and Reimbursements, endorsed Committee members can be paid under section 5.100 of the Act.

INTEGRATED PLANNING LINKS:

Strategic Direction: Community	Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.
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Outcome 1.1	Enhanced lifestyle through spaces, places, programs and services that foster connection and inclusion.
Outcome 1.2	We are a community accountable for our actions.
Outcome 1.10	A place where people have access to, engage in and celebrate arts, culture, education and heritage.
Strategic Direction: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.3	The voice of the community is heard at regional, state and national forums.
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well-informed decision-making.
Outcome 4.2	Decision making is ethical, informed and inclusive.
Outcome 4.7	Council understands its roles and responsibilities and leads by example.

REGIONAL OUTCOMES:

Community involvement in the GRAAC provides unique insights from individuals as well as their collective expertise. This Committee provides important strategic advice to the City in regard to the arts.

RISK MANAGEMENT:

Where community representatives are chosen based on their experience and knowledge, the guidance they provide to Council will be relevant and informed, thereby enhancing Council decision making.

A lack of community representation on GRAAC could potentially be viewed by the community as not valuing their views and input.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

- NOT SUPPORT the recommendations by the Committee for community representatives on the Committee. It was considered that in accordance with good governance, community representation is recognised as important to the function of this Committee.

12.3 REPORTS OF CORPORATE SERVICES**CS132 RATES EXEMPTION APPLICATION – HOPE COMMUNITY SERVICES LTD**

AGENDA REFERENCE:	D-24-068018
AUTHOR:	S Russell, Coordinator Rates
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	27 May 2024
FILE REFERENCE:	RV/4/0003-003
ATTACHMENTS:	Yes (x2)
	A. Statutory Declaration
	B. Australian Charities & Not-for-profits Certificate

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to grant rates exemption to Hope Community Services Ltd, based on the charitable land use of Rates Assessment Number A30507 being Lot 73 (76-80) Forrest Street, Geraldton. Hope Community Services Ltd are currently leasing this property and as per the terms of the lease the tenant is responsible for the rates and charges.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 6.26(2)(g) of the *Local Government Act 1995* RESOLVES to:

1. APPROVE a rates exemption to Hope Community Services Ltd on the leased property Lot 73 (76-80) Forrest Street, Geraldton on the basis that the properties are being used exclusively for a charitable purpose; and
2. APPROVE the exemption to take effect from the date the application was received being 6 May 2024, and to remain in force for the duration of the current use of the property.

PROPONENT:

The proponent is Hope Community Services Ltd.

BACKGROUND:

Hope Community Services Ltd is a not-for-profit organisation and is a registered charity with the Australian Charities and Not-for-profits Commission (Attachment No. CS132B). The objectives of the organisation listed in the Constitution is to provide support services and assistance to relieve poverty, suffering, distress, misfortune and helplessness in people regardless of age, race, sex, ethnic background, religion, political beliefs or marital status without limitation. They work across four key service areas being alcohol and other drugs, mental health, youth justice, and family and domestic violence.

Hope Community Services Ltd commenced a two (2) year lease for the property Lot 73 (76-80) Forrest Street, Geraldton on 1 December 2022. The expiry date of the lease is 30 November 2024 with an option to renew for a further two (2) years.

Hope Community Services Ltd currently use the property as the Mid West hub office for their drug and alcohol services in the region with some space allocated as counselling rooms for the program.

The property is privately owned and currently being rated, however, is now used for a charitable purpose with the Lessee being responsible for the payment of rates.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

Hope Community Services Ltd provides essential services to the community and through comprehensive alcohol and other drug programs provides counselling, cultural healing, advocacy and court diversion. These services offer much needed support to members of the community to increase their education and awareness.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

There are no adverse leadership impacts.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

This Council and its predecessor Councils have approved rate exemptions for property utilised exclusively for charitable purposes, consistent with section 6.26(2)(g) of the *Local Government Act 1995*.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 6.26 of the *Local Government Act 1995* provides broad definitions for rateable and non-rateable land. Section 6.26(2)(g) states that land is not rateable if it is “used exclusively for charitable purposes”.

‘Charitable purposes’ is not currently defined in the *Local Government Act 1995* or other statutes; rather charity is defined at common law.

The definition of a charitable purpose is largely based on the preamble to the Statute of Elizabeth enacted by the English Parliament in 1601 and the judgment of Lord Macnaghten in *Commissioners for Special Purposes of Income Tax v Pemsel*. Lord Macnaghten classified the categories of charitable as trusts for one of the following:

- *the relief of poverty;*
- *the advancement of education;*
- *the advancement of religion; and*
- *other purposes beneficial to the community;*

The High Court of Australia incorporated the Statute of Elizabeth into Australian law, finding that in order for an institution to be charitable, it must be:

- (a) within the spirit and intendment of the Preamble to the Statute of Elizabeth; and
- (b) for the public benefit.

The Western Australian case law (arising from both the Courts and the State Administrative Tribunal) summarise that for a purpose to be charitable:

- (a) it must fall within the purposes set out in the Statute of Elizabeth, or by Lord Macnaghten (above); and
- (b) there must be a public benefit, being a benefit directed to the general community, or to a sufficient section of the community to amount to the public.

FINANCIAL AND RESOURCE IMPLICATIONS:

The annual rates for A30507 being Lot 73 (76-80) Forrest Street, Geraldton for the 2023-2024 financial year is \$3,647. The amount for the exempt period from 6 May 2024 to 30 June 2024 to be refunded would be \$558.

Exempt properties are still required to pay the Emergency Services Levy and rubbish collection charge.

INTEGRATED PLANNING LINKS:

Strategic Direction: Community	Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.
Outcome 1.1	Enhanced lifestyle through spaces, places, programs and services that foster connection and inclusion.
Outcome 1.5	The opportunity for all to reach their potential exists.
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.2	Decision making is ethical, informed and inclusive.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

Council, by not approving the application for rate exemption may be required to defend its decision if the matter were to be appealed by the applicant to the State Administrative Tribunal and legal costs may be incurred as a result.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The alternative option is for Council to decline the application for a rate exemption on the basis that it considers Hope Community Services Ltd is not providing a charitable purpose to the community or that such charitable use relating to the property is not considered an exclusive use.

CS133 ANNUAL REVIEW OF DELEGATIONS

AGENDA REFERENCE:	D-24-060416
AUTHOR:	M Adam, Coordinator Governance
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	8 May 2024
FILE REFERENCE:	GO/19/0010
ATTACHMENTS:	Yes (x2)
	A. Draft 2024-2025 Delegation Register (v1)
	B. Local Government Operational Guideline Delegations, Authorisations and Acting Through

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council review and approval of delegations to committees, to the Chief Executive Officer (CEO) and to employees, as recorded in the 2024-2025 Delegation Register version 1.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority pursuant to Section 5.16, 5.18, 5.42, 5.46 of the *Local Government Act 1995*, and Regulation 11 of the *Local Government (Model Code of Conduct) Regulations 2021* RESOLVES to:

1. ENDORSE the review of delegations in accordance with section 5.18 and 5.46 of the *Local Government Act 1995*;
2. DELEGATE to the Behaviour Complaints Committee (section 5.16) as recorded in the 2024-2025 Delegation Register version 1;
3. DELEGATE to the Chief Executive Officer (section 5.42) and other employees the exercise of local government powers and the discharge of local government duties under the *Local Government Act 1995* and *Planning and Development Act 2005* (section 214 (2), (3) and (5)), as recorded in the 2024-2025 Delegation Register version 1;
4. DELEGATE to the Chief Executive Officer and other employees powers and duties under all other legislation as recorded in the 2024-2025 Delegation Register version 1; and
5. AUTHORISE the Chief Executive Officer to receive complaints and withdrawals of complaints (regulation 11) as recorded in the 2024-2025 Delegation Register version 1.

PROPONENT:

The proponent is the City of Greater Geraldton (the City).

BACKGROUND:

Section 5.16 the *Local Government Act 1995* (the Act) provides that Council may delegate to a committee any of its powers and duties other than the power of delegation. Section 5.17 places limits of delegation of powers and duties to certain committees.

Section 5.42 of the Act prescribes that Council may delegate the exercise of any of its powers, or the discharge of any of its duties, to the CEO. Section 5.43 outlines the limitations on such delegations.

Council may also delegate to the CEO and employees under the provisions of other legislation. The provisions for delegation are contained within the specific legislation and referenced within the 2024-2025 Delegation Register version 1, for example section 48 of the *Bush Fires Act 1954*, and section 118 of the *Food Act 2008*.

Regulation 11(3) of the *Local Government (Model Code of Conduct) Regulations 2021* provides that the local government must, in writing, authorise one (1) or more persons to receive complaints and withdrawals of complaints.

At least once every financial year delegations made under the provisions of the Act are to be reviewed by the delegator (Council) under section 5.46(2) and section 5.18 of the Act. Council last reviewed its delegations under section 5.46(2) on 25 July 2023 (Item No. CS053) and the delegation to the Behaviour Complaints Committee was approved by Council on 27 June 2023 (Item No. CS048) therefore a formal review is required.

Local Government Act 1995:

5.16. Delegation of some powers and duties to certain committees

(1) *Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.*

** Absolute majority required.*

5.17. Limits on delegation of powers and duties to certain committees

(2) *A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).*

5.18. Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

5.42 Delegation of some powers and duties to the CEO

(1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under-*

(a) this Act other than those referred to in Section 5.43; or

(b) the Planning and Development Act 2005 section 214(2), (3) or (5).

** Absolute Majority required*

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

(a) any power or duty that requires a decision of an absolute majority of the council;

(b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;

(c) appointing an auditor;

(d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;

(e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;

(f) borrowing money on behalf of the local government;

- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.*

5.46 Register of, and records relevant to, delegations to CEO and employees

- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*

Local Government (Model Code of Conduct) Regulations 2021

- 11(3) *The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.*

City Officers have undertaken an administrative review of the Delegation Register and prepared the draft 2024-2025 Delegation Register version 1 (Attachment No. CS133A) for Council review and consideration. The draft register was reviewed by the City's Executive Management Team on 15 May 2024. The Register has been updated as follows (updates are highlighted in the draft).

Delegations added

Local Government Act 1995

1.1.1 - Delegation to the Behaviour Complaint Committee

Previously approved by Council 27 June 2023, Item No. CS048.

Authorisation added (from Council to the CEO)

1.2.41 - Authorisation to Receive Complaints (Complaints Officer)

Previously approved by the Council 23 February 2021, Item No. CCS570.

Delegations removed

Local Government Act 1995

1.1.1 - Behaviour Complaints (in 2023-2024 Register)

This delegation to the CEO is no longer required as the power has been delegated to the Behaviour Complaints Committee.

Amended condition

Local Government Act 1995

1.2.16 - Tenders for Goods and Services - Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options.

The condition relates to the approval of variations on contracts and the amendment is highlighted in the register. This proposed amendment is part of a raft of initiatives that have been recently applied to improve procurement business processes but also still ensuring the City maintains its compliance standards.

It is requested that condition (e) on the delegation is amended to permit the varying of a contract by an employee where the value of the variation only is within their financial authorisation limit. Note that the condition specifies that the cumulative value of variation/s and its associated impact on the contract must be within the adopted Annual Budget.

Amended condition*Local Government Act 1995*

1.2.40 - Execution of Documents

Condition part (d) added, to limit the value of agreements, contract, or alternative agreement that may be signed by the Manager Corporate Compliance and Safety to a maximum value of \$250,000.

Amended function section*Local Government Act 1995*

1.4.7 - Animals Environment and Nuisance Local Law

Amendment to the function section of this delegation to include clause 4.4 of the local law which relates to approval to burn under specific criteria. Clause 1(b) and cl 7 have also been added, and 3(a) amended, in accordance with the provisions of the local law.

Amended delegations to employee*Food Act 2008*

6.1.1 - Appoint Authorised Officers and Designated Officers

Amended to delegate the power to appoint authorised officers to the CEO, as the CEO may appoint authorised officers once delegated.

Request for new delegations to employee positions

Council consideration is sought for delegation to the positions as below:

Legislation	Delegation Number	Delegation Title	Position
<i>Local Government Act 1995</i>	1.2.40	Execution of Documents	Manager Corporate Compliance and Safety
<i>Food Act 2008</i>	6.1.3	Prohibition Orders and Certificates of Clearance	Manager Regulatory Services
<i>Food Act 2008</i>	6.1.4	Food Business Registration	Manager Regulatory Services
<i>Food Act 2008</i>	6.1.5	Debt Recovery and Prosecutions	Manager Regulatory Services
<i>Food Act 2008</i>	6.1.6	Abattoir Inspections and Fees	Manager Regulatory Services
<i>Bush Fires Act 1954</i>	3.1.11	Prosecution of Offences	Chief Bush Fire Control Officer Deputy Chief Bush Fire Control Officer

Delegation removed*Bush Fires Act 1954*

3.1.11 – Prosecution of Offences - Bush Fire Control Officer

Amendment

Numbering of delegations within the register has been amended due to the new section inserted in the register, Delegation to Committee (Behaviour Complaints Committee).

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:**Community:**

Without the ability to delegate to the CEO and other employees Council would be required to process all delegation related decisions, this may reduce efficiency and impede the ability to deliver effective services to the community.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

Council is required by the provisions of the *Local Government Act 1995* to review the delegations made under Division 4, once every financial year.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

Delegations were reviewed and the 2023-2024 Delegation Register was adopted by the Council on 25 July 2023 (Item No. CS053). The Delegation to the Behavioural Complaints Committee was adopted on 27 June 2023 (Item No. CS048).

COMMUNITY/COUNCILLOR CONSULTATION:

Councillors were provided with the draft register during the Council Agenda review process.

LEGISLATIVE/POLICY IMPLICATIONS:

Local Government Act 1995, section 5.16 - 5.18, 5.42, 5.43, 5.46.

Local Government (Model Code of Conduct) Regulations 2021, regulation 11.

Legislative references for other legislation are recorded in the draft register (Attachment No. CS133A).

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.2	Decision making is ethical, informed and inclusive.
Outcome 4.7	Council understands its roles and responsibilities and leads by example.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

Council can decide not to delegate the exercise of any of its powers or the discharge of any of its duties to the CEO, other employees or a committee. However, there is risk that without delegation there will be a significant impact on the efficient and effective delivery of services. If all decisions, where the power is vested in the Council required a decision of the Council, a delay in the delivery of services would become apparent - particularly as Council only meets once a month. This would also create a significant amount of additional work for the Council and City Officers.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

Council may determine not to endorse the 2024-2025 Delegation Register version 1, this is a matter for Council. However, Council is required by section 5.18 and 5.46 of the *Local Government Act 1995* to review the delegations made under Part 5 (division 2, division 4) of the Act at least once every financial year.

CS134 CITY OF GREATER GERALDTON BUDGET 2024-25

AGENDA REFERENCE:	D-24-071874
AUTHOR:	P Radalj, Director Corporate Services
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	13 June 2024
FILE REFERENCE:	FM/6/0030
ATTACHMENTS:	Yes (x4)
	A. Annual Budget 2024-25
	B. Fees and Charges Schedule 2024-25
	C. Capital Works Program 2024-25
	D. Addendum to Corporate Business Plan 2021-2025

EXECUTIVE SUMMARY:

This report seeks Council adoption of the City of Greater Geraldton 2024-25 Financial Budget.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority pursuant to Section 6.2 of the *Local Government Act 1995* RESOLVES to:

A. Rates & Minimum Payments 2024-25

- ADOPT the following General Rates against the valuations supplied by Landgate (as amended) as at 1 July 2024 for 2024-25 in accordance with sections 6.32 of the *Local Government Act 1995*:

Rate Types	Rate-in-the-dollar (Cents)
CGG GRV	13.8611
CGG UV	0.4828

- ADOPT the following Minimum Payments for the City of Greater Geraldton for 2024-25, in accordance with sections 6.35 of the *Local Government Act 1995*:

Rate Types	Minimum Payment
CGG GRV	\$1,050
CGG UV	\$1,050

B. 2024-25 General Charges, Concessions, Interest

- IMPOSE no service charges on land for 2024-25;
- RAISE a charge of \$7.00 per instalment for 2024-25 where the ratepayer has elected to pay their rates by instalments and in addition apply a 3% interest rate charge in accordance with section 6.45(3) of the *Local Government Act 1995* and regulations 67 and 68 of the *Local Government (Financial Management) Regulations 1996*;
- PROVIDE the option for ratepayers to pay their rates as a single payment or by two (2) or four (4) equal instalments in accordance with section 6.45(1) of the *Local Government Act 1995* and regulation

64(2) of the *Local Government (Financial Management) Regulations 1996*;

6. NOTE the rates set by the State Government for the Emergency Services Levy (ESL) for Category 2, 4 and 5 regions for 2024-25 and apply these rates on assessments against valuations from Landgate as at 1 July 2024;
7. NOTE the interest rate set by the State Government for late payment of ESL by property owners is 11% per annum and will be charged 35 days after the due date;
8. NOTE that the City is not responsible for setting Emergency Services Levy rates and simply acts as a collection agent for the funds on behalf of the State Government;
9. ISSUE rates instalment notices as soon as practicable with instalment due dates being no less than two months apart from the date of the first instalment becoming due in accordance with section 6.50 of the *Local Government Act 1995*;
10. CHARGE an interest rate of 6% on any outstanding rates and service charges and any costs of proceedings to recover any such charge that remain overdue as described in accordance with section 6.51 of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*; and
11. CHARGE interest to be applied on outstanding debts exceeding 60 days after date of invoice at a rate of 6% per annum in accordance with section 6.13 of the *Local Government Act 1995*.

C. 2024-25 Fees and Charges

12. ADOPT the 2024-25 Schedule of Fees and Charges as contained in Attachment No. CS134B in accordance with section 6.16(3) of the *Local Government Act 1995*.

D. 2024-25 Capital Works & Loans

13. ADOPT the 2024-25 Capital Works Program Budget as contained in Attachment No. CS134C; and
14. ADOPT the new Loan debenture program in accordance with section 6.20(4) of the *Local Government Act 1995*.

E. General Charges and Concessions

15. NOTE that Council on an individual assessment basis does offer 'Incentives' under its City Centre Revitalisation Program in the form of concessions or waiving of rates for a set period of time in accordance with section 6.47 of the *Local Government Act 1995*;
16. ENDORSE the continuation in 2024-25 of the 80% concessional arrangement to Murchison Region Aboriginal Corporation based on the land being used primarily for provision of rental accommodation for aboriginal people under section 6.47 of the *Local Government Act 1995*; and

17. NOTE that Council waives penalty interest and the administration fee for eligible ratepayers approved for a Financial Hardship payment plan.

F. 2024-25 Allowances

18. APPROVE the Mayor's annual local government allowance of \$97,115 in accordance with section 5.98(5) of the *Local Government Act 1995*;
19. APPROVE the Mayor's annual attendance fees of \$51,412 in accordance with section 5.99 of the *Local Government Act 1995*;
20. APPROVE the Deputy Mayor's annual local government allowance of \$24,279 in accordance with section 5.98A of the *Local Government Act 1995*;
21. APPROVE the annual fees of \$34,278 for every other council member (excluding the Mayor) in accordance with section 5.99 of the *Local Government Act 1995*;
22. APPROVE the reimbursement of expenses incurred by a council member in accordance with section 5.98(2)(b) and (3) of the *Local Government Act 1995* and regulation 32 of the *Local Government (Administration) Regulations 1996*;
23. APPROVE the reimbursement of childcare costs of up to \$35 per hour or the actual cost incurred by a council member when attending a meeting in accordance with section 5.98(2)(a) and (3) of the *Local Government Act 1995* and regulation 31(1)(b) of the *Local Government (Administration) Regulations 1996*;
24. APPROVE the reimbursement of travel costs incurred by a council member in accordance with section 5.98(2)(a) and (3) of the *Local Government Act 1995* and regulation 31(1)(b) of the *Local Government (Administration) Regulation 1996*;
25. APPROVE the committee meeting attendance fee of \$200 for independent committee members in accordance with section 5.100 (2) and (3) of the *Local Government Act 1995*; and
26. APPROVE the reimbursement of child care and travel costs incurred by an independent committee member because of their attendance at a meeting of the committee of which they are a member, and to the extent determined by the Salaries and Allowances Tribunal, in accordance with section 5.100(4)(a) and (5)(a) of the *Local Government Act 1995* and regulation 34ACA(2) of the *Local Government (Administration) Regulations 1996*.

G. Material Variance Reporting for 2024-25

27. ADOPT a reporting variance of greater than \$50,000 or 10% in accordance with regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*.

H. 2024-25 Reserve Accounts

28. APPROVE the internal transfer in the amount of \$1,527,707 from Reserve 280 (Unexpended Capital & Restricted Grant Reserve) to Reserve 270 (Major Initiatives Reserve) in accordance with section 6.11(2)(b) of the *Local Government Act 1995*; and
29. APPROVE a change in the purpose of Reserve 310 (Public Art Reserve) in accordance with section 6.11(2)(b) of the *Local Government Act 1995* to now read as – “The purpose of this reserve is to fund public art acquisitions and renewals. Any funds that are unspent from the annual public art renewal budget along with an annual allocation are to be disbursed into this reserve for future public art acquisitions and renewals”.

I. Adoption of the 2024-25 Budget

30. ADOPT the 2024-25 Annual Budget for the City of Greater Geraldton as contained in Attachment No. CS134A which includes the following:
 - a. Statement of Comprehensive Income;
 - b. Statement of Cash Flows;
 - c. Statement of Financial Activity; and
 - d. Notes to and forming part of the budget.

J. Adoption of Addendum to Corporate Business Plan 2021-2025

31. ADOPT an Addendum to the Corporate Business Plan 2021-25 that updates and revises proposed actions for the financial year 2024-25.

K. Council Policy 1.8 Community Funding Programs

32. APPROVE the following allocations as endorsed by the Community Grants Committee under the Festival and Event Funding Program and as part of the adoption of the 2024-25 Budget and future revision of the City’s Long Term Financial Plan:
 - a. Spalding Park Golf Club is allocated \$15,000 in Year 1 (Annual Budget 2024-25), \$10,000 in Year 2 (2025-26) and \$5,000 in Year 3 (2026-27);
 - b. Mullewa Muster & Rodeo is allocated \$30,000 in (Annual Budget 2024-25);
 - c. Mid West Multicultural Association is allocated \$15,000 in Year 1 (Annual Budget 2024-25) with up to \$2,034 in in-kind support, \$10,000 in Year 2 (2025-26) and \$5,000 in Year 3 (2026-27); and
 - d. The Event Team is allocated \$20,000 in Year 1 (Annual Budget 2024-25) with in-kind support of up to \$596, \$20,000 in Year 2 (2025-26) and \$10,000 in Year 3 (2026-27) for the Geraldton Bike Fest.

33. APPROVE under a three (3) year Service Agreement as part of the adoption of the 2024-25 Budget and future revision of the city's Long Term Financial:
- a. Geraldton Cemetery Board is allocated \$30,000 in Year 1 (Annual Budget 2024-25), \$30,000 in Year 2 (2025-26) and \$30,000 in Year 3 (2026-27) for their Capital Improvement Program; and
 - b. Walkaway Station Museum Committee Inc. is allocated \$15,000 in Year 1 (Annual Budget 2024-25), \$15,000 in Year 2 (2025-26) and \$10,000 in Year 3 (2026-27).

PROPONENT:

The proponent is the City of Greater Geraldton (the City).

BACKGROUND:

As part of the function of local government and its operations, each year the Council is required, under section 6.2 of the *Local Government Act 1995*, to formally adopt its annual financial year budget, to enable the administration to carry out the defined services and programmes and to raise revenue through rates and fees and charges.

Consistent with section 6.2(4) of the *Local Government Act 1995* and regulations 22 - 31 of the *Local Government (Financial Management) Regulations 1996*, the 2024-25 Budget for the City of Greater Geraldton includes the following:

- Rates and Service Charges imposed for 2024-25;
- Capital Works;
- Fees and Charges;
- General Charges and Concessions;
- Allowances;
- Borrowings;
- Reserve Accounts;
- Budget Estimates for Adoption;
- Estimated Expenditure; and
- Trading Undertakings.

1. Rating & Minimum Payments

The raising of revenue via annual rates is an important source of funds for all local governments throughout Australia. The *Local Government Act 1995* (the Act) empowers WA Councils to impose general rates and minimum payments.

Rates Modelling (2024-25):

The overall rates revenue increase proposed in 2024-25 compared to 2023-24 actuals is 3.9% excluding growth. Since Council introduced an Integrated Planning Framework which included the development and annual review of a Long-Term Financial Plan (LTFP), the average increase to residential rates has been under 2.5% as denoted below:

	% Annual Rates Movements	
FY	All Properties	Residential Properties
2013-14	2.25%	2.25%
2014-15	4.70%	4.30%
2015-16	3.90%	2.60%
2016-17	2.70%	1.30%
2017-18	3.50%	3.50%
2018-19	2.30%	2.10%
2019-20	1.50%	1.50%
2020-21	0%	0%
2021-22	1.75%	1.75%
2022-23	4.40%	3.60%
2023-24	3%	3%
2024-25	3.90%	3.90%
Average	2.83%	2.48%

As there is no revaluation for Gross Rental Value (GRV) properties in 2024-25, the 3.9% increase is reflected in the adjusted rate-in-the-dollar.

Unimproved Value (UV) properties that undergo an annual revaluation have again seen a significant valuation increase of 24% effective from 1 July 2024 after a similar rise in this financial year. This is why the UV rate-in-the-dollar has been reduced in 2024-25 to generate the same revenue yield increase as that of GRV.

Minimums are proposed to be increased from \$1,027 to \$1,050. Growth in the rates base is forecast to increase marginally from 0.3% to around 0.5% in 2024-25.

Emergency Services Levy (ESL) rates and charges which local governments levy and collect on behalf of the State Government will increase by 5% in 2024-25.

The table below summarises the amount to be levied by rating categories in 2024-25.

Rating Category	Proposed Rates Billing to be levied 2024-25	Number of Rateable Properties
CGG GRV	\$50,427,005	19,487
CGG UV	\$ 3,653,421	1,108
Total	\$54,080,426	20,595

Table 1: Proposed 2024-25 Operating Statement

Operating Statement	Proposed Budget 2024-25
OPERATING REVENUE	
	\$000s
Rates	54,428
Operating Grants, Subsidies & Contributions	10,887
Fees & Charges	29,830
Interest Earnings	4,210
Other	740
Total Operating Revenue	100,095
OPERATING EXPENDITURE	
Employee Costs	(37,687)
Materials & Contractors	(29,337)
Utilities	(3,364)
Insurance	(1,111)
Interest/Borrowing Costs	(532)
Depreciation On Assets	(25,066)
Other Expenses	(4,280)
Total Operating Expenditure	(101,377)
Net Result from Ordinary Activities Deficit	(1,282)

Budget Result

The City has and will in the short term continue to face expenditure pressures stemming from demand for greater wage increases to combat rising costs of living and inflationary impacts on goods and services. While these cost pressures are accounted for within the draft budget, it is only proposed to raise the overall rates revenue by around 3.9% below the City's current and forecast cost index movements.

Based on the same methodology used to calculate the local government sector cost index movement, the City's cost index movement in 2023-24 was calculated to be around 7% and estimated to be above 4.5% in 2024-25.

The bottom-line operating result in 2024-25 is budgeted to be a deficit of around \$1.28M.

Adoption of a rates model other than as proposed in the Executive Recommendation will require reassessment of the Budget result and will depend amongst other matters on related Council determinations as to use of own-source funds or loan funds in the adjusted budget proposed to be adopted by Council.

Budget formulation is informed by a Long-Term Financial Plan (LTFP), one of the mandatory elements required of all WA Councils, as part of the Integrated Planning Framework which has been in place from 1 July 2013.

The changes in the various rates-in-the-dollar recommended by the Executive enables Council to set priorities within its resourcing capabilities to sustainably deliver the assets and services required by the community in a fiscally responsible manner.

Revenue:

Overall operating revenue is forecast to rise by 5.50% or around \$5.2M when compared to the 2023-24 current budget. One of the significant factors behind this forecast increase is both the continued recovery and growth in user pay fees and charges mainly due to airport and waste revenue. A material proportion of this growth is related to cost recovery of services and therefore, does not represent any net overall gain.

While the City is yet to receive notification of its allocation of annual financial assistance grants, WA's overall allocation has been increased by 5.6% for 2024-25 and it is expected that will flow onto individual local government allocations.

With the movement in the last 12 months from low interest rate investments to higher rate yields and with the expectation that these rates will remain steady for the next 12 months, the City forecasts our overall revenue yield from investments in 2024-25 will remain around \$4M per 2023-24 actuals.

Expenditure:

Overall operating expenditure is forecast to rise by 8.21% or around \$7.7M when compared to the 2023-24 original budget. The significant factors underlying this increase are higher wage increases (4%) due to cost-of-living pressures being recognised in the city's proposed Industrial Agreement and the continual inflationary impacts and supply chain issues on goods and services.

Adding to costs is the legislative increase to the superannuation percentage on compulsory contributions and temporary increases to resourcing levels to support the implementation of the City's new Enterprise Resource Planning (ERP) system.

The City continues to face cost pressures due to inflationary factors and supply chain issues therefore, budget provision has been made to 'cover off' on both known and recent increases to major supply of services and goods contracts and likely indexing adjustments to occur in 2024-25. An additional \$2M has been applied to absorb expenditure movements in annual services and goods contracts. A further \$1M has been applied to "one-off" or cyclical expenditure items. For example, \$400,000 is required to cover the triennial statutory cost of GRV property revaluations which will be undertaken by Landgate in 2024-25.

Insurances are forecast to increase by 10% against 2023-24 actuals and utilities costs including streetlighting are expected to increase by 4.25%.

2. Capital Program

Table 2: 2024-25 Capital Program

Asset Category	New	Renewal	Total
Land	2,400,000		2,400,000
Buildings	1,994,460	1,905,142	3,899,602
Plant & Equipment	201,818	4,738,700	4,940,518
Furniture & Equipment	205,000	1,274,301	1,479,301
Artwork	80,000	120,000	200,000
Roads	4,256,729	11,507,800	15,764,529
Bridges Floodways & Major Culverts		7,675,573	7,675,573
Footpaths & Cycleways	2,023,742	647,000	2,670,742
Recreation	609,884	7,217,906	7,827,790
Carparks	200,000	103,000	303,000
Meru Landfill	947,000	84,195	1,031,195
Airport	5,870,367	135,000	6,005,367
Drainage		892,000	892,000
Lighting	20,000	957,540	977,540
Total	18,809,000	37,258,157	56,067,157

The City's planned Capital Budget for 2024-25 is \$56.07M. This expenditure is to be funded from General Revenue, Reserves and funding provided by Federal and State Agencies as detailed below:

Table 3: Funding Breakdown

Asset Category	Own Source Revenue	Own Source Reserve	External Grants & Contributions	Total
Land		2,400,000		2,400,000
Buildings	2,104,442	734,460	1,060,700	3,899,602
Plant & Equipment	2,662,900	2,277,618		4,940,518
Furniture & Equipment	936,000	405,801	137,500	1,479,301
Artwork	160,000		40,000	200,000
Roads	9,121,474	3,481,014	3,162,041	15,764,529
Bridges Floodways & Major Culverts	581,268	2,000,000	5,094,305	7,675,573
Footpaths & Cycleways	2,211,000	66,195	393,547	2,670,742
Recreation	6,807,000	991,767	29,023	7,827,790
Carparks	153,000	150,000		303,000
Meru Landfill	210,000	259,195	562,000	1,031,195
Airport	85,000	3,920,367	2,000,000	6,005,367
Drainage	827,000	65,000		892,000
Lighting	354,000	432,360	191,180	977,540
Total	26,213,084	17,183,777	12,670,296	56,067,157

As determined by the Department of Local Government, Sport and Cultural Industries in relation to assets managed by Councils in WA, a basic financial sustainability benchmark for Councils is that they should expend at least the equivalent of 90% of their annual asset depreciation expense on asset renewal. Failure to pursue achievement of that benchmark over a reasonable number of years would expose the City to unacceptable risks from asset deterioration. This leads to a decline in asset functionality, safety and community amenity, compounding the magnitude of the asset renewal funding problem in future years, attracts criticism for failure to recognise the principle of intergenerational equity and would be contrary to the interests of the City and the Community.

3. Fees and Charges

A global unit increase of 1% is planned for Fees and Charges to assist the City in recovering escalating costs. Specific airport and Meru landfill related fees and charges have been increased well above the global unit increase as they relate to cost recovery against related services contracts that have recently seen significant increases (double digit percentage) to their contract rates.

Where appropriate, changes will be made on a per annum basis due to the following:

- Service no longer provided so no fee or charge applicable.
- New service being provided.

- Cost of service has changed.
- Change to service delivery requiring an alteration to the fee or charge structure.

Within function areas relating to building licenses, planning, development and health approvals, the City is limited by statutory regulations and capping on fees and/or charges applied, preventing full cost recovery of these services.

Benchmarking has been undertaken with other local governments corresponding fees, where possible – but noting that not all Councils have yet determined their 2024-25 budgets.

The provision of free residential tipping at Meru will continue for a further year. Domestic and commercial rubbish charges are proposed to be set at \$430 per annum.

4. General Charges, Concessions and Interest

Council in 2017-18 also approved an 80% concessional arrangement with Murchison Region Aboriginal Corporation on annual rates levied on their properties used primarily for provision of rental accommodation for aboriginal people which is proposed to continue into 2024-25.

Under the *Local Government Act 1995* and associated regulations, the City can apply an interest penalty rate of up to 11% to any outstanding rates and service, and sundry outstanding debt. This rate was previously reduced to 6% and it is proposed to remain the same for 2024-25.

5. Allowances

As per both Council Policy 4.31 (Council Member Fees, Allowances, Reimbursements and Benefits) and the Salaries and Allowances Tribunal 2024 Determination, Member fees and allowances are set at and denoted in the table below:

Allowance & Attendance Category	2024-25
Mayor's Annual Allowance	\$97,115
Mayor's Annual Attendance Fee	\$51,412
Deputy Mayor's Annual Allowance	\$24,279
Councillors Attendance Fee	\$34,278
Child-Care Allowance	\$35 per hour

6. Borrowings

New borrowings proposed in 2024-25 are based on previous Council decision (Item No. IS266) and exclusively relate to Self-Supporting Loans as described below:

Applicant	Loan Amount	Purpose
Rovers Football Club	\$150,000	Upgrade to facilities

As part of a long-term strategy to reduce the City's debt exposure, debt liability will be reduced to \$13.5M. At 1 July 2019, our debt liability sat at \$38.5M.

7. Reserve Accounts

It is proposed to slightly amend the purpose of the Public Art Reserve so that the funds are not only to be applied to new initiatives but to also support renewal or restoration works in the future. The current and new purpose are denoted below:

Current Purpose – “The purpose of this reserve is to fund public art acquisitions. Any funds that are unspent from the annual public art budget are to be disbursed into this reserve for future public art acquisitions”.

New Purpose – “The purpose of this reserve is to fund public art acquisitions and renewals. Any funds that are unspent from the annual public art renewal budget along with an annual allocation are to be disbursed into this reserve for future public art acquisitions and renewals”.

It is also proposed to initiate an internal transfer of unspent funds (\$1,527,707) from the Unexpended Capital & Restricted Grant Reserve to the Major Initiatives Reserve. The Unexpended Capital & Restricted Grant Reserve is effectively a short-term holding facility for unspent funds tied to capital works that have been carried over from one financial year to the next financial year. As such funds held in this reserve should normally not be held for a period exceeding 12 months. The proposed funds to be transferred are funds that have been held for more than 12 months and relate to works that have been either completed and been supported by other types of funding or not progressed. Moving these funds to the Major Initiatives Reserve is part of a funding program to support major projects that are currently in their design phases and may materialise into hard infrastructure in the coming years.

Existing reserves have been established and/or are used where there is a legal or statutory requirement to do so, are mechanisms for accumulating cash for future capital outlays, managing cyclical expenditure and meeting liability provisions. It is proposed that Cash Reserves in 2024-25 will assist in funding the following projects:

- Carried over capital works from 2023-24.
- The establishment and delivery of the Geraldton Airport Microgrid.
- Mahomets Caravan Park detailed design and documentation for site establishment.
- Maitland Park Traffic Movements detailed design, staging plans and cost estimates.
- Part fund the 2024-25 Asset Renewal Program.

Below summarises the total cash reserve balances and proposed movements for 2024-25:

Opening Balance 24-25	Transfers From	Transfers To	Closing Balance 24-25
\$40,563,695	(\$18,961,484)	\$5,301,457	\$26,903,668

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

Various initiatives included in the budget will create and improve social outcomes in the community, including new (Youth Hub) or the future planning (Maitland Park) of infrastructure.

Economy:

The proposed Capital Program provides local businesses and contractors with a diverse range of works opportunities and is also aimed at supporting and boosting the local economy.

Environment:

Initiatives such as Geraldton Airport Microgrid and Meru Landfill Gas Flaring Projects clearly indicates that Council wishes to continue to take positive steps towards a net zero target.

Leadership:

Section 6.2 of the *Local Government Act 1995* requires Council to prepare and adopt a Budget for 2024-25.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

Council adopts a budget including a rates model for every financial year.

COMMUNITY CONSULTATION:

Community consultation is undertaken in the development of the Strategic Community Plan (SCP) as part of the Integrated Planning Framework for Local Government. As part of this process the City engages with the community in forming the vision and priorities that underpin the SCP which in turn are incorporated into annual budgets. A major review of the City's SCP is programmed to occur in 2024-25.

COUNCILLOR CONSULTATION:

City of Greater Geraldton Council Members have been actively engaged in formulation of the 2024-25 Budget through a series of Budget Workshops conducted through February to June of 2024, enabling consideration of revenue and expenditure requirements and the capital works program.

LEGISLATIVE/POLICY IMPLICATIONS:**Local Government Act 1995 - Section 6.2**

Section 6.2 of the *Local Government Act 1995* requires that in preparing its annual budget the Council is to have regard to the contents of its plan for the future prepared in accordance with section 5.56. Local Government (*Administration*) Regulations 1996 define these as the Strategic Community Plan (Regulation 19C) and Corporate Business Plan (Regulation 19DA). The City must prepare detailed estimates of:

- (a) The expenditure by the local government; and
- (b) The revenue and income, independent of general rates, of the local government; and
- (c) The amount required to make up the 'deficiency', if any, shown by comparing the estimated expenditure with the estimated revenue and income.

Section 6.2(3) requires that all expenditure, revenue and income must be taken into account unless otherwise prescribed. *Local Government (Financial Management) Regulations 1996*, regulation 32 prescribes amounts that may be excluded in calculating the 'budget deficiency'.

Section 6.2(4) requires the annual budget to incorporate:

- (a) Particulars of estimated expenditure proposed;
- (b) Detailed information relating to the rates and service charges which will apply, including:
 - i. Amount estimated to be yielded by the general rate; and
 - ii. Rate of interest to be charge on unpaid rates and service charges;
- (c) Fees and charges;
- (d) Borrowings and other financial accommodations proposed;
- (e) Reserve account allocations and uses;
- (f) Any proposed land transactions or trading undertakings per section 3.59; and
- (g) Such other matters as are prescribed.

Local Government (Financial Management) Regulations 1996, regulations 22 through 31 prescribe requirements in relation to form and content of the Budget and required Notes to and forming part of the Budget.

Ministerial Approval Requirements

Should Council seek to adopt a rating and minimum payments model other than that set out in the Executive Recommendation, then such a determination should be deferred to enable necessary assessment under the requirements of sections 6.33 and 6.35 of the Act. If Ministerial approvals are required in respect of a different model of differential rates and minimum payments, such approvals must be obtained before Council can subsequently adopt a revised Budget.

Local Government Act 1995 - Section 6.45 - Options for payment of rates or service charges

- (1) A rate or service charge is ordinarily payable to a local government by a single payment but the person liable for the payment of a rate or service charge may elect to make that payment to a local government, subject to subsection (3), by —
 - (a) 4 equal or nearly equal instalments; or
 - (b) such other method of payment by instalments as is set forth in the local government’s annual budget.

Local Government Act 1995 - Section 6.47 - Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge. *Absolute majority required.

There are no impediments deriving from the *Rates and Charges (Rebates and Deferments) Act 1992*.

Policy Implications:

The City’s Strategic Community Plan and the Corporate Business Plan are the core planning documents that have been used to inform the LTFP along with other strategic documents and are also the basis for preparation of the Annual Budget.

FINANCIAL AND RESOURCE IMPLICATIONS:

Details of the budget estimates for 2024-25 are contained in the attached documents.

INTEGRATED PLANNING LINKS:

Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.4	Healthy financial sustainability that provides capacity to respond to change in economic conditions and community priorities.

REGIONAL OUTCOMES:

Delivery of programs and projects continue to provide benefits for the region through capital expenditure, business support, employment opportunities and encouraging tourism.

RISK MANAGEMENT:

Section 6.2 of the *Local Government Act 1995* requires Council to prepare and adopt a Budget for 2024-25 by 31 August 2024, or by such extended time as the Minister allows. Having regard to cash flow requirements for ongoing City operations, it is in the best interests of all Councils for their budget to be adopted at the earliest practicable opportunity, to enable issue of rates notices and commencement of revenue flows as early as possible in the new financial year.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following options were considered by City Officers:

Alternative Option One

That Council by Absolute Majority pursuant to Section 6.2 of *the Local Government Act 1995* RESOLVES to:

1. ADOPT the 2024-25 Budget as set out in items 1 through 33 of the Executive Recommendation *but with the following changes*:
 - a. To be determined by Council; and
2. MAKE the determination based on the following reason/s:
 - a. To be determined by Council.

Alternative Option Two

That Council by Simple Majority pursuant to section 5.20 of the *Local Government Act 1995* RESOLVES to:

1. DEFER consideration of the 2024-25 Budget; and
2. MAKE the determination based on the following reason/s:
 - a. To be determined by Council.

Consideration of Options

Parts 'A' through 'I' (numbered items 1 through 30) of the Executive Recommendation address all of the elements covering imposition of rates and minimum payments, estimates of revenue and income other than rates, estimates of expenditure, charges, concessions and interest, the schedule of fees and charges, Council Member allowances and, in relation to Notes comprising part of the Budget, allocations to and use of funds from reserves, and proposed new loans. Parts 'A' through 'I' are inter-dependent and together produce the budget result, and thus they need to be considered and resolved together by Council, rather than separately.

Part 'J' of the Executive Recommendation seeks Council endorsement and adoption of an Addendum to the Corporate Business Plan 2021-25 to reflect updates to proposed activities and/or actions.

Part 'K' of the Executive Recommendation seeks Council approval to provide funding as delegated and required under Council Policy 1.8 Community Funding Programs.

Any significant/material change to any of the revenue, income or expenditure elements of the recommended Budget (comprising parts 'A' through 'I' inclusive) would require re-casting of the budget and assessment of the consequent budget result, to ensure compliance with section 6.34 of the *Local Government Act 1995*.

In effect section 6.34 requires prior Ministerial approval of a proposed budget if the amount estimated to be yielded by general rates does not fall within the range 90% to 110% of the 'budget deficiency' as envisaged in section 6.2 of the Act, and as calculated in the rate setting statement per *Local Government (Financial Management) Regulation 32*.

Council may choose to make changes to the recommended Budget via Alternative Option One – provided that those changes do not have such a significant/material effect on expenditure or revenue estimates that would require re-casting of the whole Budget and those changes can be made without any material impact.

Should Council wish to make significant/material changes to revenue or expenditure components of the proposed 2024-25 Budget that in effect delivers a result significantly different, then Alternative Option Two (Deferment) should be pursued. This option would need the determined reasons to include clear directions and an unambiguous indication of an alternative required budget outcome to guide recasting of the Budget for re-presentation to Council at a later date.

CS135	STATEMENT OF FINANCIAL ACTIVITY AND STATEMENT OF FINANCIAL POSITION FOR THE PERIOD ENDED 31 MAY 2024
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AGENDA REFERENCE:	D-24-071658
AUTHOR:	N Jane, Chief Financial Officer
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	12 June 2024
FILE REFERENCE:	FM/17/0013
ATTACHMENTS:	Yes (x1) Monthly Management Report for period ended 31 May 2024

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with a comprehensive report on the City's finances to 31 May 2024.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Regulation 34 and 35 of the *Local Government (Financial Management) Regulations 1996* RESOLVES to:

1. RECEIVE the monthly Statement of Financial Activity for the period ended 31 May 2024, as attached; and
2. RECEIVE the monthly Statement of Financial Position as at 31 May 2024, as attached.

PROPONENT:

The proponent is the City of Greater Geraldton (the City).

BACKGROUND:

The financial performance and position at the end of May 2024 is detailed in the attached report. Summarised below are the variances between Year-to-Date (YTD) budgets and actuals:

Operating Income	\$	74,039	0.1%	over YTD Budget	<input checked="" type="checkbox"/>
Operating Expenditure	\$	1,578,172	1.9%	under YTD Budget	<input checked="" type="checkbox"/>
Net Operating	\$	1,652,211	65.7%	over YTD Budget	<input checked="" type="checkbox"/>
Capital Expenditure	\$	9,478,339	20.2%	under YTD Budget	<input checked="" type="checkbox"/>
Capital Revenue	\$	2,206,373	17.9%	under YTD Budget	<input checked="" type="checkbox"/>

Cash at Bank – Municipal	\$ 1,423,250
Cash at Bank – Reserve	\$ 8,723,941
Current Investments	\$43,183,166

Current Rates Collected to May 2024	96.12%
Current Rates Collected to May 2023	96.02%

Rates Arrears Collected to May 2024	50.67%
Rates Arrears Collected to May 2023	48.43%

The attached report provides explanatory notes for items greater than 10% or \$50,000. This commentary provides Council with an overall understanding of how the finances are progressing in relation to the budget. The financial performance presented in the May financials show a YTD positive variance of \$1,652,211 in the net operating surplus/(deficit) result.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

There are no adverse community impacts.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

The Financial Management Regulations require presentation each month of a statement of financial activity accompanied by other supporting information that is considered relevant and a statement of financial position. In addition to the compliance requirements, the purpose of regularly reporting on the financial activities of the City is to enable Council Members to monitor and review the allocation of financial and other resources against the budget. Reporting on a regular basis evidences the ongoing financial management and performance of the accounting systems. The monthly report provides a summary of the organisation's liquidity and going concern status.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

Council is provided with financial reports each month.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* require the local government to prepare a statement of financial activity, reporting on the revenue and expenditure as set out in the adopted annual budget.

Regulation 35 of the *Local Government (Financial Management) Regulations 1996* also requires the local government to prepare a statement of financial position as at the last day of the previous month.

A statement of financial activity, statement of financial position and any accompanying documents are to be presented at an Ordinary Meeting of the Council within two months after the end of the month to which the statements relate.

FINANCIAL AND RESOURCE IMPLICATIONS:

As disclosed in the attached report.

INTEGRATED PLANNING LINKS:

Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.2	Decision making is ethical, informed and inclusive.
Outcome 4.3	Accountable leadership supported by a skilled and professional workforce.
Outcome 4.4	Healthy financial sustainability that provides capacity to respond to change in economic conditions and community priorities.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

The provision of monthly financial reports to Council fulfils the relevant statutory requirements and is consistent with good financial governance.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

There are no alternative options to consider.

12.4 REPORTS OF INFRASTRUCTURE SERVICES

IS305	YELLOW SUBMARINE - ALTERNATIVE SITE 05 – EASTERN BREAKWATER
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AGENDA REFERENCE:	D-24-065018
AUTHOR:	M Butler-Henderson, Senior Project Manager
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	28 May 2024
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x3)
	A. Yellow Submarine Alternative Site Selection Study – Site 05 – Eastern Breakwater
	B. Yellow Submarine Site Selection Study
	C. Rotary Club of Batavia Coast – Yellow Submarine

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to install the restored experimental Yellow Submarine on the Eastern Breakwater.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 5.20 of the *Local Government Act 1995* RESOLVES to:

1. INCLUDE a budget allocation of \$80,000 for the installation of the Yellow Submarine in the 2024-25 Financial Year Capital Program Report for consideration by Council; and
2. DIRECT the Chief Executive Officer to seek approval from Mid West Port Authority (MWPA) to install the Yellow Submarine at the recommended location being alternative Site 05 – Eastern Breakwater.

PROPONENT:

The proponent is the Rotary Club of Batavia Coast.

BACKGROUND:

At the Ordinary Meeting of Council on 30 April 2024, City Officers submitted Council Item No. IS301 Acquisition and Installation of the Yellow Submarine, recommending that Council resolve to:

1. ACCEPT the gifted asset of the refurbished Yellow Submarine from the Rotary Club of Batavia Coast;
2. INCLUDE a budget allocation of \$80,000 for the installation of the Yellow Submarine in the 2024-25 Financial Year Capital Program Report for consideration by Council; and
3. DIRECT the Chief Executive Officer to install the Yellow Submarine at the recommended location (Site 02) in the Francis Street carpark detailed in the attached Site Selection Study for the Experimental “Yellow Submarine”.

During the meeting, an alternative motion was tabled. Council subsequently resolved to:

1. *ACCEPT the gifted asset of the refurbished Yellow Submarine from the Rotary Club of Batavia Coast; and*
2. *DIRECT the Chief Executive Officer to investigate an option to install the Yellow Submarine on the Eastern Breakwater, with a report to be presented to Council at the July 2024 Ordinary Meeting of Council.*

Further to the original Yellow Submarine Site Selection Study, City Officers have undertaken an investigation into an alternative Site 05 – Eastern Breakwater and prepared the attached report.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

The Eastern Breakwater location is an established location with detailed history, walking route and community space. The addition of the Yellow Submarine, proposed to be in the second raised garden bed (refer to Attachment No. IS305A), will connect with the history and maritime theme and will further enhance the area for locals and tourists.

Economy:

The Yellow Submarine will be a feature within the City and will be photographed and shared on social media. This may attract visitors to Geraldton which could in turn support local businesses based in the area having a positive effect on the local and regional economy.

Environment:

There are no environmental impacts associated with the Executive Recommendation as the Submarine was fully decommissioned and cleaned prior to being restored.

Leadership:

The community values the iconic Yellow Submarine as a key piece of Geraldton's history and support it being on display in a position of prominence.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

In Item No. DCS373 Geraldton Art Gallery Sculpture, Council endorsed location of a sculpture adjacent to the Art Gallery.

COMMUNITY/COUNCILLOR CONSULTATION:

Councillors were consulted when the Rotary Club of Batavia Coast presented on the Yellow Submarine at the Concept Forum on 6 February 2024. Community feedback from recent social media posts regarding the imminent return of the submarine has been gauged with the majority in support of it being returned to the Foreshore. Consultation has also been entered into with the Geraldton Museum.

The City has in place a lease arrangement with the MWPA for access to the Eastern Breakwater allowing for the provision of the existing amenity, on what is MWPA owned land. City Officers have discussed the proposed placement of the Yellow Submarine with MWPA who have advised there are no apparent issues with the proposal, subject to obtaining formal approval.

Through further consultation, City Officers were advised that Site 04 - Foreshore walk, in front of the GMC would impede access for large vehicles and amusement rides during events such as Australia Day, Harmony Day, Festival of Lights and the Sunshine Festival.

LEGISLATIVE/POLICY IMPLICATIONS:

The installation of the Yellow Submarine aligns with Council Policy 2.8 Geraldton City Centre Vibrancy which, among other commitments, sets out to develop a vibrant and attractive amenity for the community.

FINANCIAL AND RESOURCE IMPLICATIONS:

The installation of the Yellow Submarine will cost \$80,000. The installation will require ongoing maintenance once the Submarine has been placed in position. The resources are available in-house to execute the project. The cost to respray the Submarine is estimated at \$10,000, however, the existing marine-grade paint finish could last five (5) to ten years. The Yellow Submarine will become a formally registered City asset for inclusion within the City's insurances as required.

INTEGRATED PLANNING LINKS:

Strategic Direction: Community	Aspiration: Our Culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.
Outcome 2.4	A desirable place to live, work, play, study, invest and visit.
Strategic Direction: Environment	Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.
Outcome 3.4	A desirable and sustainable built and natural environment responsive to community aspirations.
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well-informed decision-making.
Outcome 4.6	A community that is genuinely engaged and informed in a timely and appropriate manner.

REGIONAL OUTCOMES:

The Yellow Submarine installation will contribute to the vibrancy of the City and will celebrate the local maritime history of the region.

RISK MANAGEMENT:

The installation and ongoing management will need to consider public safety including closure of the Esplanade during installation and soft fall surface treatments, fencing and cautionary signage will be installed. Co-location of the submarine with the existing lighting and CCTV infrastructure will be advantageous with the proposed budget allowing for a fixed camera for exclusive view. City Officers have confirmed that the Rotary Club of Batavia Coast are the rightful owners of the Yellow Submarine and are able to gift the asset to the City.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

Council may choose the previously recommended location (Site 02) in the Francis Street carpark presented in Council Item No. IS301 or choose an alternative location for the submarine to be displayed.

IS306	FOOD ORGANIC GARDEN ORGANIC (FOGO) TRIAL CONCLUSION
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AGENDA REFERENCE:	D-24-067248
AUTHOR:	M Dufour, Manager Climate Environment and Waste
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	4 June 2024
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x4)
	A. Kerbside Organics Assessment – Talis Consultants
	B. Kerbside Organics Funding Review – Talis Consultants
	C. Item No. DCS412 - Food Organic and Garden Organic (FOGO) Trial
	D. Item No. DCS526 – Food Organic and Garden Organic (FOGO)

EXECUTIVE SUMMARY:

Due to high operational costs and high contamination rates, the purpose of this report is to seek Council approval to conclude the City's Food Organic Garden Organic (FOGO) kerbside collection trial and investigate alternative ways to divert this waste stream from landfill.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 5.20 of the *Local Government Act 1995* RESOLVES to:

1. APPROVE the conclusion of the Food Organic Garden Organic (FOGO) kerbside collection trial;
2. DIRECT the CEO to:
 - a. inform the FOGO participants of the trial's conclusion;
 - b. retrieve the FOGO bins provided to the participants as part of the trial; and
3. MAKE provision in the FY2024-25 operational budget of an amount of \$100,000 to investigate alternative waste avoidance and recovery options.

PROPONENT:

The proponent is the City of Greater Geraldton (the City).

BACKGROUND:

At the Ordinary Meeting of Council on 28 May 2019 Council Item No. DSC412 – Food Organic and Garden Organic (FOGO) trial was determined – approving a 12 month FOGO kerbside collection trial of 500 households across the City. The trial commenced in June 2020, a few months before the Covid-19 pandemic. Monitoring information was presented at the Ordinary Meeting of Council on 31 May 2022 (Item No. DSC526 - Food Organic and Garden Organic (FOGO)). Because of the importance of waste minimisation initiatives, the Council determined to extend the trial (refer to Attachment No. IS306D).

City Officers faced the following challenges:

1. Low bin presentation rates: The average bin presentation rate over the trial period was 58% (on average, only 290 were presented).
2. Very high contamination rates: Whilst a contamination rate of 4-6% is generally acceptable, the Geraldton trial has consistently had much higher levels. This has two (2) consequential impacts:
 - a. The sorting and preparation costs increase significantly. In the FY2022/2023 financial year, the associated operational costs equated to 50% of a permanent position.
 - b. Even with the additional sorting and preparation, there is a risk that the quality assurance sampling completed by the FOGO processor exceeds the acceptable contamination rate. This resulted in a higher unit processing price being charged for the sub-optimal load, or the load being rejected.
3. Behavioural change: Challenges were encountered establishing a permanent behavioural change in adapting to FOGO. Whilst some trial participants readily transitioned to the FOGO bin system, the overall transition was variable with no permanent behavioural change.
 - a. Behavioural change initiatives such as media campaigns, waste audits and bin tagging programs were undertaken to promote overall bin presentation and reduce bin contamination rates by trial participants. However, the gains were short-term and returned to previous levels soon after the initiatives ended.
 - b. Officer resourcing: Challenges were encountered in recruiting to this role. When filled, the majority of the Officer time was spent implementing the behavioural change initiatives, leaving little to no-time for other aspects of the role.
4. Composting: One of the key drivers of the FOGO trial was to develop a composted product. To achieve an Australian Standard compliant product, screening and blending of the processed FOGO material with other composted products was required. The City does not have access to the screening plant and equipment, nor the other composted products. As a result, the material was trucked to a dedicated composting plant resulting in greenhouse gas (GHG) emissions associated with transporting the raw FOGO product and returning a blended and processed product (a total of 680km).

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

The Community Survey undertaken in August 2020 revealed that of the 750 respondents, 93% advised that waste issues should be a priority for the city. Waste minimisation is a key priority at a State Government, Local Government, and community level. FOGO is one of the opportunities available to assist the City to meet its waste minimisation objectives. However, it is important that this is also undertaken in a cost-effective manner. The results of the trial and cost implications to implement a full roll out of FOGO across Geraldton places a considerable additional burden on the ratepayer at an estimated \$324 per year.

Economy:

For the City to undertake a full roll out of a FOGO service, the City would require Council to agree to a significant financial investment. At the Ordinary Council Meeting of 28 May 2024 Council determined Item No. IS303 Meru Gas Management Services. This provides the opportunity to work with LMS Energy on innovative technologies such as anaerobic digestion to treat FOGO waste on site. Other local options may also be explored to process GO and FOGO waste. e.g. pyrolysis technology, local high quality mulch processing.

Environment:

The conclusion of the trial will lead to FOGO waste from the trial participants being placed back into general waste bins adding between 117t and 182t per year that will be disposed of to landfill. However, innovative technologies such as anaerobic digestion to treat GO and FOGO waste on-site offers the potential to treat all GO and FOGO waste recovered at the Meru Resource Recovery Station.

Leadership:

The Officers recommendation considers the social, environmental, and financial implications of a full roll out of FOGO kerbside collection service to the community. Considering the potential to explore alternative FOGO processing options through the City's Meru Landfill Gas Management Services contract the recommendation is informed and, keeps the City both on a circular economy pathway, and towards its achieving net zero climate adaptation, and climate change pathways.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

Council endorsed the implementation of a FOGO kerbside collection trial at the Ordinary meeting of Council on 28 May 2019 (Item No. DCS412). At the Ordinary meeting of Council on 31 May 2022 Council endorsed a continuation of the FOGO trial (Item No. DCS526).

COMMUNITY/COUNCILLOR CONSULTATION:

Throughout the trial Councillors have been consulted through Briefing Notes and Concept Forum briefings. City Officers established a FOGO trial social media page for community participants in the trial.

LEGISLATIVE/POLICY IMPLICATIONS:

The City adheres to its landfill licence conditions under the *Environmental Protection Act 1986*. The City has a 67A licence that allows for processing and blending of 20,000 tonnes of compost per annum. This condition was required to collect and prepare the FOGO at Meru for processing and blending elsewhere. This condition would still form part of the licence, even after the conclusion of the trial.

FINANCIAL AND RESOURCE IMPLICATIONS:

City Officers engaged Waste Consultants, Talis in July 2023 to undertake an independent desktop review of the current FOGO trial and provide a cost analysis and identify barriers to a full roll out of a organics kerbside collection program to all kerbside collection households (Attachment No. IS306A). The major challenges identified by Talis reflect the Officers initial findings of:

- High contamination rates;
- Low bin presentation rates;
- Development of a successful composting system in the City; and
- Cost associated with having to transport the FOGO to a composting facility.

Data for the four years of the trial is presented below. Data for 2023-24 has been normalised to twelve months based on 10 months of data for comparison against previous years.

FOGO Trial Data

Waste Stream	2020-21	2021-22	2022-23	2023-24
FOGO	178 t	182 t	173 t	117 t
FOGO contamination	49 t	15 t	43 t	14.8 t
Contamination %	27.5%	8.2%	24.8%	12.4%

During the first year, high contamination rates were observed. In 2021-22, Officers invested considerable staff resources towards FOGO education, bin tagging, newsletters, and door-to-door engagement to reduce the contamination level. This significant level of engagement resulted in a reduction in contamination rates, but still not to the required 4-6%. In 2022-23, a simplified engagement program wasn't sufficient to maintain contamination rates which increased again. Data for 2023-24 shows lower contamination rates but a reduced overall collection rate indicating a drop off in participation rates in the trial.

Roll-out costs.

The Talis report provides cost estimates over a ten year period for the rollout of a two (2) bin FOGO collection across all City residential collection services – comparing against the current one (1) bin system collection costs across the same period. Cost breakdowns are presented below:

Initial Capital Costs

Option	Capital	
1 bin General Waste	\$0	
2 bin FOGO	\$1.73M	For purchase and distribution of bins

Operational Costs through to 2034 (Ten Years)

Option	Collection	Disposal	Process & Haulage	Additional Staff	Total
Current 1 bin	\$15.99M	\$5.59M	\$0.77M	\$0	22.35M
2 bin FOGO	\$36.04M	\$3.93M	\$8.78m/\$2.80M	\$1.64M	54.92M

It is estimated that to introduce a full FOGO kerbside collection system would cost rate payers an additional \$32.57M over ten years or \$324 per household per year.

INTEGRATED PLANNING LINKS:

Strategic Direction: Environment	Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.
Outcome 3.1	A City that is planned, managed and maintained to provide for environmental and community well-being.
Outcome 3.2	Regional leader in adapting to climate change.
Outcome 3.3	A well-maintained, SMART, sustainable, liveable City valued by the community.
Outcome 3.7	Moving towards a circular economy.
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well-informed decision-making.
Outcome 4.2	Decision making is ethical, informed and inclusive.

REGIONAL OUTCOMES:

There are no impacts to regional outcome to concluding the FOGO trial.

RISK MANAGEMENT:

City surveys indicate that environmental issues are important to the community as a whole. However, with respect to the recycling ventures there is still a gap between sentiment and practical application with Council facing high contamination rates in its current blue bin recycling scheme, the FOGO trial and the issue of illegal dumping even though use of Meru by local residents for general waste is free. With this in mind, the completion of the FOGO trial does not mean a completion of Council attempts to divert more waste from landfill.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

Options available to Council would include continuing the trial with additional resources to monitor and control contamination levels and expanding the current trial. The executive recommendation provides for further exploration of waste reduction initiatives which may be more viable and acceptable by the community.

IS307	REGIONAL DROUGHT RESILIENCE PLAN – MID WEST PROJECT ADVISORY GROUP
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AGENDA REFERENCE:	D-24-067274
AUTHOR:	M Dufour, Manager Climate Environment and Waste
EXECUTIVE:	C Lee, Director Infrastructure Services
DATE OF REPORT:	4 June 2024
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x1) Mid West Regional Drought Resilience Plan

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to nominate the Mayor to the Regional Drought Resilience Plan - Mid West Project Advisory Group which has been recently established by the Northern Agricultural Catchments Council.

EXECUTIVE RECOMMENDATION:

That the Council by Simple Majority under Section 5.20 of the Local Government Act 1995 RESOLVES to:

1. ENDORSE the nomination of Mayor J Clune to the Regional Drought Resilience Plan - Mid West Project Advisory Group (administered by the Northern Agricultural Catchments Council); and
2. ADVISE the Project Advisory Group of the Council's Representative.

PROPONENT:

The proponent is the Northern Agricultural Catchments Council (NACC).

BACKGROUND:

The Regional Drought Resilience Planning (RDRP) program is a foundational program under the Australian Government Future Drought Fund. The Future Drought Fund is an Australian Government initiative to help Australian farmers and communities become more prepared for and resilient to, the impacts of drought.

The RDRP program focuses on regional resilience planning. The Australian Government's Department of Agriculture, Water and Environment (DAWE) has been working with the WA Government through the Department of Primary Industries and Regional Development (DPIRD) to deliver the program in three pilot regions of WA. DPIRD, through the Mid West Development Commission and the Northern Agricultural Catchments Council has rolled out the RDRP program in the mid-west and over the past two (2) years has developed the Mid West Regional Drought Resilience Plan.

These plans are community led plans that identify priority actions that will enable regional communities to prepare for future droughts. The plans will present:

- Historical and expected impacts of drought in each region, based on the best available evidence;
- An assessment of drought risk and adaptation pathways, based on expert input and extensive stakeholder consultation; and
- A pipeline of drought resilience projects specific to the region that address the needs and priorities of agriculture and allied industries and will inform future investments.

The Mid West RDRP is now ready for implementation and to deliver the plan an advisory group has been established by NACC with proposed representatives from local governments and resource managers across the region. The advisory group has already secured Council representation from the two (2) other Mid West councils within the drought plan area (Shire of Northampton, Shire of Chapman Valley). The purpose of this report is to seek Council approval to nominate the Mayor to the Regional Drought Resilience Plan - Mid West Project Advisory Group, as the City of Greater Geraldton representative.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

This advisory group will advocate for long term rural and farming community support and resilience in a drying climate.

Economy:

This advisory group will advocate for a sustainable long-term drought resilient agricultural economy.

Environment:

This advisory group will advocate for sustainable agricultural practices and environmental management.

Leadership:

Agricultural businesses are a key employer in the region. Representation on this advisory group highlights Council's commitment to ensuring viable long-term employment opportunities in agriculture.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

At the Ordinary Meeting of Council of 28 November 2023 Council endorsed *Item No. CEO111 Appointment of Delegates to External Boards, Committees and Groups.*

COMMUNITY/COUNCILLOR CONSULTATION:

The Chief Executive Officer met with the Mayor on 4 June 2024 to discuss Council representation on the Regional Drought Resilience Plan – Mid West Project Advisory Group. The Mayor expressed his interest in being nominated for this committee.

LEGISLATIVE/POLICY IMPLICATIONS:

Whilst there are no legislative requirements on representation to external Boards, Committees and Groups, Council Policy 4.4. Operation of Advisory Committees Section 9 references the role of Council when appointed to external bodies. Section 11.2 states that the current elected Council Members may remain on external committees, but new appointments require a Council Resolution.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are minor travel cost implications in the appointment of delegates to external Boards, Committees and Groups.

INTEGRATED PLANNING LINKS:

Strategic Direction: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.3	The voice of the community is heard at regional, state and national forums.
Outcome 2.6	A diverse and globally recognised regional capital.
Strategic Direction: Environment	Aspiration: Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.
Outcome 3.2	Regional leader in adapting to climate change.
Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well-informed decision-making.
Outcome 4.9	Collaboration and strategic alliances with Local Government partners delivers results for common aspirations.

REGIONAL OUTCOMES:

The advisory group will provide a regional voice to issues affecting the mid-west region and oversee the implementation of its RDRP. A RDRP is required to be implemented in order to apply for Federal Future Drought Fund funding.

RISK MANAGEMENT:

Not appointing a representative to this advisory group may restrict Council from having an input on important drought resilience issues affecting the region. The advisory group has Council representation from the two (2) other Mid West Council within the Drought plan area (Shire of Northampton, Shire of Chapman Valley).

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

12.5 REPORTS OF OFFICE THE CEO**CEO122 COUNCIL POLICY 4.32 BEHAVIOUR COMPLAINTS COMMITTEE TERMS OF REFERENCE**

AGENDA REFERENCE:	D-24-067059
AUTHOR:	R McKim, Chief Executive Officer
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	3 June 2024
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x 1) Draft Council Policy 4.32 Terms of Reference Behaviour Complaints Committee (v2)

EXECUTIVE SUMMARY:

The purpose of this report is to seek approval of Council Policy 4.32 Behaviour Complaints Committee Terms of Reference version 2 (the Policy).

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 2.7 of the *Local Government Act 1995* RESOLVES to:

1. APPROVE Council Policy 4.32 Behaviour Complaints Committee Terms of Reference version 2.

PROPONENT:

The proponent is the City of Greater Geraldton (the City).

BACKGROUND:

The Behaviour Complaints Committee was re-established by Council on 28 November 2023 (Item No. CEO110), following the Ordinary Election of Council of 19 October 2023.

Council Policy 4.32 Behaviour Complaints Committee Terms of Reference (TOR) were developed with the intention of providing a decision-making mechanism to minimise potential conflicts of interest and apprehended bias. They are due for their biennial review.

City Officers reviewed the Policy and no changes are being proposed. The Policy was also submitted to the Behaviour Complaints Committee for their review at their meeting of 27 May 2024, with no changes being proposed.

The Terms of Reference are consistent with the protocols in Council Policy 4.30 Code of Conduct Behaviour Complaints Management. The Terms of Reference include provisions for a delegation to the Committee.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:**Community:**

There are no adverse community impacts.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

Council Policy 4.32 Behaviour Complaints Committee Terms of Reference (TOR) sets out the Committee functions, membership, governance and the extent of authority of the Committee, under delegation - section 5.16 of the *Local Government Act 1995*.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

Council Policy 4.32 Behaviour Complaints Committee Terms of Reference was approved by Council on 27 June 2023 (Item No. CS047).

COMMUNITY/COUNCILLOR CONSULTATION:

The Behaviour Complaints Committee reviewed the Council Policy 4.32 Behaviour Complaints Committee Terms of Reference at their meeting on 27 May 2024. No changes were proposed.

Where there are no changes being proposed to Council Policies, they can be submitted directly to Council for approval.

LEGISLATIVE/POLICY IMPLICATIONS:

Pursuant to section 2.7 of the *Local Government Act 1995* the role of Council includes determination of Council Policies:

2.7. Role of council

- (1) *The council —*
 - (a) *governs the local government's affairs; and*
 - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*
 - (a) *oversee the allocation of the local government's finances and resources; and*
 - (b) *determine the local government's policies.*

The *Local Government (Model Code of Conduct) Regulations 2021* clauses 12 and 13 make provision for the management of behaviour complaints, made under clause 11 of the Model Code and Council Policy 4.30 makes provision for the establishment of a Behaviour Complaints Committee.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.2	Decision making is ethical, informed and inclusive.
Outcome 4.7	Council understands its roles and responsibilities and leads by example.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

Council Decision CEO110 (28 November 2023) Part B required as follows:

1. *REQUIRE each internal Council Committee at their first meeting held following this resolution to:*
 - a. *APPOINT by Committee resolution, a Council Member as Chairperson, and Council Member as a proxy Chairperson for the Committee; and*
 - b. *REVIEW the terms of reference of the Committee and report to Council any required changes in relation to named membership of the Committee.*

The Policy was reviewed by the Committee on 27 May 2024 and now requires endorsement by Council.

The Behaviour Complaints Committee Terms of Reference (TOR) contains provision for the appointment of Deputy Committee members who, for the duration of the handling of the subject complaint, may replace appointed members who are party to a complaint. This minimises potential for conflicts of interest and apprehended bias.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

There were no alternative options considered by City Officers as the Behaviour Complaints Committee requires the Terms of Reference approved by Council. However, Council may choose to amend the policy details, this is a matter for Council.

12.6 REPORTS TO BE RECEIVED**RR60 REPORTS TO BE RECEIVED - JUNE**

AGENDA REFERENCE:	D-24-072080
AUTHOR:	R McKim, Chief Executive Officer
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	14 June 2024
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x4)
	A. DSDD020 - Delegated Determinations and Subdivision Applications for Planning Approval
	B. CEO123 - WALGA State Council Agenda – 10 July 2024
	C. CS136 – List of Accounts Paid Under Delegation – May 2024
	D. CS137 - List of Payments by Employees via Purchasing Cards – May 2024

EXECUTIVE SUMMARY:

The purpose of this report is to receive the Reports of the City of Greater Geraldton.

EXECUTIVE RECOMMENDATION:PART A

That Council by Simple Majority pursuant to Section 5.20 of the *Local Government Act 1995* RESOLVES to:

1. RECEIVE the following appended reports:
 - a. Reports – Development Services:
 - i. DSDD020 - Delegated Determinations and Subdivision Applications for Planning Approval; and
 - b. Reports – Office of the CEO:
 - i. CEO123 - WALGA State Council Agenda – 10 July 2024.

PART B

That Council by Simple Majority, pursuant to Regulation 13 and 13A of the *Local Government (Financial Management) Regulations 1996* RESOLVES to:

1. RECEIVE the following appended reports:
 - a. Reports – Corporate Services:
 - i. CS136 – List of Accounts Paid Under Delegation – May 2024; and
 - ii. CS137 - List of Payments by Employees via Purchasing Cards – May 2024.

PROPONENT:

The proponent is the City of Greater Geraldton (the City).

BACKGROUND:

Information and items for noting or receiving (i.e. periodic reports, minutes of other meetings) are to be included in an appendix attached to the Council agenda.

Any reports received under this Agenda are considered received only. Any recommendations or proposals contained within the “Reports (including Minutes) to be Received” are not approved or endorsed by Council in any way. Any outcomes or recommendations requiring Council approval must be presented separately to Council as a Report for consideration at an Ordinary Meeting of Council.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:**Community:**

There are no adverse community impacts.

Economy:

There are no adverse economic impacts.

Environment:

There are no adverse environmental impacts.

Leadership:

There are no adverse leadership impacts.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

Reports to be received by Council at each Ordinary Meeting of Council.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.3	Accountable leadership supported by a skilled and professional workforce

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There are no risks to be considered.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

13 MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

There is none.

14 QUESTIONS FROM MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

There is none.

15 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

There is none.

16 MEETING CLOSED TO PUBLIC

Pursuant to Section 5.2 of the Meeting Procedures Local Law 2011, please note this part of the meeting *may* need to be closed to the public, *if* confidential discussion is required.

Livestreaming will be turned off if required.

DS041	COMMERCIAL (RETAIL) LEASE – QUIET LIFE SPECIALITY COFFEE
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AGENDA REFERENCE:	D-24-065945
AUTHOR:	S Pratt-King, Coordinator Land and Leasing
EXECUTIVE:	R Hall, Director Development Services
DATE OF REPORT:	5 June 2024
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x1) Confidential Confidential - Quiet Life Specialty Coffee Expression of Interest and Design Concept

EXECUTIVE SUMMARY:

The purpose of this report is for Council to consider a proposed commercial retail lease agreement between the City of Greater Geraldton and R Clarkson and LJ Norris, trading as Quiet Life Speciality Coffee, for Lot 100 (204) Lester Avenue, Geraldton.

Cr A Horsman declared a proximity interest in Item No. DS041 Commercial (Retail) Lease – Quiet Life Speciality Coffee, as he resides opposite the venue, on a carriageway.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 3.58 of the *Local Government Act 1995* RESOLVES to:

1. ENTER a commercial retail lease agreement with R Clarkson and LJ Norris for Lot 100 (204) Lester Avenue, Geraldton.
2. SET the proposed lease conditions as:
 - a. Initial lease term of ten (10) years, commencing on the date of execution, with a further two (2) five (5) year lease renewals by mutual agreement;
 - b. Set the lease fee at \$60,000 (excluding GST) per annum;
 - c. Adjust the lease fee annually based on the Perth Consumer Price Index (CPI);
 - d. Adjust the lease fee at the commencement of each further term option based on a market rent assessment;
 - e. Approve a rent-free period of six (6) months starting from the commencement date of the lease.
3. MAKE the determination subject to:
 - a. an advertising notice period of fourteen (14) days, inviting public submissions;
 - b. Lessee receiving all development and regulatory approvals.
4. AUTHORISE and APPROVE the transfer of all annual lease revenue received to the Parking Land Reserve; and
5. REFER the matter back to Council for final consideration should any objecting submissions be received.

PROPONENT:

The proponent is R Clarkson and LJ Norris, trading as Quiet Life Speciality Coffee.

BACKGROUND:

The City of Greater Geraldton (the City) purchased Lot 100 (204) Lester Avenue, Geraldton with the intention to develop it into a car park. The development is planned to occur after the construction of significant commercial projects in the City centre. Due to increasing parking demand and ongoing commercial growth, the parking development project is expected to begin in approximately ten years.



Lot 100 (204) Lester Avenue, Geraldton

Expressions of interest to lease the property were advertised in February 2024. Midwest Trade Hub Pty Ltd made an offer to lease, which was approved by the Council on 26 March 2024 (Item No. DS031), but they later withdrew their offer.

The City received a new offer to lease, on 29 May 2024. The offer is subject to development and liquor licence approval, as well as satisfactory investigation results into the property's power and water capacity.

Quiet Life Specialty Coffee

Quiet Life Specialty Coffee (Quiet Life), an established local cafe, is planning to relocate to a larger venue to expand its services and open a family-friendly restaurant offering breakfast, lunch and dinner. They have submitted a business proposal and concept design for Council consideration (Confidential Attachment - Quiet Life Specialty Coffee Expression of Interest and Design

Concept). The proposal outlines their investment to upgrade and revitalise the property and includes their preferred lease terms:

- Use: Restaurant / Café.
- Initial Term: Five (5) years.
- Further Term: Three (3) further term options of five (5) years each.
- Rent: \$60,000 (excluding GST) per annum.
- Rent-free Period: Six (6) months.

Quiet Life has conducted initial due diligence checks on the property's condition and the necessary scope of work required for renovation. They have also engaged a local planning consultant to ensure their proposal meets development requirements such as applicable licences, car parking, and zoning.

City Officers have considered the proposal and noted the following:

- Pursuant to Sections 13 and 14B of the *Commercial Tenancy (Retail Shops) Agreements Act 1985*, the City cannot seek reimbursement for legal expenses related to the negotiation, preparation, or execution of the lease or any renewal or extension of the lease thereafter.
- The City must offer a minimum lease term of five years, which may be a combination of the initial term and options to extend; and
- The City is aware of a second interested party, who at the time of preparing this report was finalising a formal offer to lease.

COMMUNITY, ECONOMY, ENVIRONMENT AND LEADERSHIP ISSUES:

Community:

Long term benefits for the community result from decisions that promote business growth while also considering the impact on local neighbourhoods, existing small businesses and overall community well-being. If approved, the proposed lease will have a positive impact on the evolving needs of the community and activate this strategic location, to enhance the visitor and community experience in the Geraldton CBD.

Economy:

Balancing economic development with community interests by supporting local small business fosters economic growth, increases consumer activity, and enhances the economic vitality of the community.

Environment:

The City conducts routine inspections to ensure that food businesses comply with the Food Act 2008 and Food Regulations 2009. Repurposing an older building can help reduce the overall environmental footprint by avoiding the energy and resources required for new construction. This can positively contribute to community revitalisation efforts by breathing new life into an existing structure.

Leadership:

Active management of commercial leases is essential for demonstrating good governance and reinforces accountable leadership by managing resources effectively.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

On 26 March 2024, Council Item No. DS031 resolved to dispose, by lease, 204 Lester Avenue, Geraldton, to Midwest Trade Hub Pty Ltd.

COMMUNITY/COUNCILLOR CONSULTATION:

Should Council approve the proposed lease, a public notice will be advertised for fourteen (14) days, inviting public submissions under Section 3.58 of the *Local Government Act 1995*.

Officers have consulted with the Proponent in the preparation of this report and they are satisfied with the proposed lease term.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 3.58 of the *Local Government Act 1995* details the process for disposing of property (in this case, leasing).

The *Commercial Tenancy (Retail Shops) Agreements Act 1985* outlines the requirements for commercial tenancy agreements relating to retail businesses.

FINANCIAL AND RESOURCE IMPLICATIONS:

In accordance with section 3.58(a)(c) of the *Local Government Act 1995*, a market valuation was undertaken confirming a current market rent of \$55,000 (excluding GST) per annum. The income generated from rent will contribute to the future car park development.

INTEGRATED PLANNING LINKS:

Strategic Direction: Economy	Aspiration: A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.
Outcome 2.1	Local business is empowered and supported.
Outcome 2.4	A desirable place to live, work, play, study, invest and visit.

REGIONAL OUTCOMES:

There are no adverse impacts to regional outcomes.

RISK MANAGEMENT:

Upon execution of the proposed lease agreement, the proponent would be required to provide evidence of appropriate insurances and be a registered food business with the City of Greater Geraldton.

The potential total lease period of twenty (20) years poses a significant risk to the future development of the property, constraining the City's ability to pursue new development opportunities or adapt to strategic changes for the site.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following options were considered by City Officers:

1. Decline the offer to lease. Officers do not recommend this option as the proposal is competitive and from a well-established local business that would activate the space; and
2. Support the proponents preferred lease term of five (5) years, with three (3) guaranteed further term options of five (5) years. Careful consideration should be given to balancing the requested lease term to offset the proponent's financial investment and the City's future development plans for the site. Officers recommend against offering further term options beyond ten (10) years that can be taken up at the sole discretion of the Lessee to prevent the City from being bound by a lease that may no longer be in its best interest.

CS138 ANNUAL CEO PERFORMANCE REVIEW 2023-24

AGENDA REFERENCE:	D-24-069057
AUTHOR:	N Hope, Manager Organisational Development
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	6 June 2024
FILE REFERENCE:	GO/6/0029
ATTACHMENTS:	Yes (x3) 2 x Confidential
	A. Standards for CEO Recruitment, Performance and Termination
	<u>FOR COUNCIL MEMBERS ONLY</u>
	B. Confidential – CEO Performance Review Committee Minutes – 4 June 2024
	C. Confidential – 2024-25 CEO Performance Plan

EXECUTIVE SUMMARY:

The purpose of this item is to seek Council's endorsement of the Chief Executive Officer's (CEO) performance review for the 2023-24 financial year and adoption of the 2024-25 CEO Performance Plan.

R McKim declared a direct financial interest in Item No. CS138 Annual CEO Performance Review 2023-24, as it is a review of his performance as CEO, therefore concerns his employment at the City of Greater Geraldton.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority pursuant to Section 5.38 of the *Local Government Act 1995* and Clause 18 of the *City of Greater Geraldton's Standards for CEO Recruitment, Performance and Termination* RESOLVES to:

1. NOTE the report and recommendations contained in the CEO Performance Review Committee Minutes dated 4 June 2024;
2. ENDORSE the review of the 2023-24 CEO Performance Plan;
3. INFORM the CEO in writing of the results of the review, in accordance with the provisions of clause 19 of the *City of Greater Geraldton's Standards for CEO Recruitment, Performance and Termination*; and
4. ADOPT the 2024-25 CEO Performance Plan.

PROPONENT:

The proponent is the City of Greater Geraldton (the City).

BACKGROUND:

The *City of Greater Geraldton's Standards for CEO Recruitment, Performance and Termination* (CEO Standards) were adopted by the Council on 27 April 2021 (Item No. CCS588). Division 3 of the CEO Standards set out the standards for review of performance of CEOs.

In accordance with the provisions of clause 16 of the CEO Standards, the Council has established a CEO Performance Review Committee to provide advice and recommendations on the review of CEO performance, to the Council. Committee members are Mayor Jerry Clune, Deputy Mayor Natasha Colliver, Cr Michael Librizzi, Cr Peter Fiorenza and Cr Steve Cooper.

The Committee held a meeting on 4 June 2024 to review the 2023-24 performance of the CEO.

COMMUNITY, ENVIRONMENT, ECONOMY AND LEADERSHIP ISSUES:

Community:

The CEO's Performance Plan incorporates actions and outputs linked to the Strategic Community Plan. The CEO has a specific KPI with respect to Community Development outcomes.

Economy:

There are no adverse economic impacts.

Environment:

The CEO's Performance Plan incorporates actions and outputs linked to the Strategic Community Plan. The CEO has a specific KPI with respect to Sustainability outcomes.

Leadership:

Undertaking the CEO's performance review and establishing performance criteria are part of the good governance of the City.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

This is an annual legislative requirement. Previous reviews have been undertaken by Council in a similar manner:

Item No. CCS517, Annual CEO Performance Review 2019-20 on 28 July 2020

Item No. CCS622, Annual CEO Performance Review 2020-21 on 27 July 2021

Item No. CCS723, Annual CEO Performance Review 2021-22 on 30 August 2022

Item No. CS043, Annual CEO Performance Review 2022-23 on 30 May 2023

COMMUNITY/COUNCILLOR CONSULTATION:

The CEO Performance Review Committee provide advice and recommendations to the Council. The CEO's 2023-24 KPI responses and draft 2024-25 KPI's were placed on a OneDrive link and made available to the Committee Members on 31 May 2024.

LEGISLATIVE/POLICY IMPLICATIONS:

Part 5 of the *Local Government Act 1995* relates to the employment of staff. Section 5.38 of the Act reads as follows:

5.38. Annual review of employees’ performance

- (1) A local government must review the performance of the CEO if the CEO is employed for a term of more than 1 year.
- (2) The CEO must ensure that the performance of each other employee who is employed for more than 1 year is reviewed.
- (3) A review under subsection (1) or (2) must be conducted at least once in relation to each year of the person’s employment.

City of Greater Geraldton Standards for CEO Recruitment, Performance and Termination, clauses 16, 17, 18, and 19 set out the standards for performance reviews.

16. Performance review process to be agreed between local government and CEO

- (1) The local government and the CEO must agree on —
 - (a) the process by which the CEO’s performance will be reviewed; and
 - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

17. Carrying out a performance review

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —
 - (a) collect evidence regarding the CEO’s performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
 - (b) review the CEO’s performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

18. Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

FINANCIAL AND RESOURCE IMPLICATIONS:

Provision for the CEO position has been made within the 2024-25 operational budget.

INTEGRATED PLANNING LINKS:

Strategic Direction: Leadership	Aspiration: A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making.
Outcome 4.2	Decision making is ethical, informed and inclusive.
Outcome 4.3	Accountable leadership supported by a skilled and professional workforce

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

As detailed in the Leadership section of this report, Council is required to conduct an annual performance review of the CEO. Completion of the review ensures compliance with the statutory requirement.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

Division 3, clause 18 of the CEO Standards requires that following a review of the performance of the CEO, the Council must, endorse the review by absolute majority. The Council may choose to defer the decision to endorse the review, if further information is required, this is a matter for Council.

17 CLOSURE

APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED

Attachments and Reports to be Received are available on the City of Greater Geraldton website at: <https://www.cgg.wa.gov.au/council-meetings/>